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Chair: Mr. Haniff (Chair) ..... (Malaysia)
later: Ms. Popovici (Vice-Chair) ..... (Republic of Moldova)

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The meeting was called to order at 10.05 a.m.

Organization of work

1. **The Chair** said that he wished to express his concern with regard to the smooth running of the work of the Third Committee and referred to the open-ended consultations, in which he had been mandated, as the Chair of the Third Committee, to find a solution to the issue of the order of speakers. Members had made it clear to him during those consultations that the current interim measure should not create a precedent. Since the first consultation he had maintained that the core issue was a question of principle. Therefore, he had not fixed a pattern for the order of speakers; instead, he had rotated the order during the past few weeks. However, it had become clear that was not a solution, as it did not address the issue of principle. A number of delegations had asked him to suspend the previous meeting to allow consultations to take place. He had done so in the hope of finding a solution, but unfortunately, many delegations had hardened their positions, making it more difficult.

2. As Chair, he had to ensure that the work of the Committee continued uninterrupted. In order to allow the Committee to continue its work, he ruled, as an interim measure pending a final conclusion on the issue, that delegations should respect and adhere to the issue of principle. Any major groups that wished to speak earlier could make arrangements to exchange with other speakers, which was a normal practice used by many delegations. On that basis, the order of speakers for major groups for the meeting would be: Rio Group, Caribbean Community (CARICOM), Association of Southeast Asian Nations (ASEAN), Southern Common Market (MERCOSUR), and then the European Union. For the current meeting ASEAN and the European Union had mutually agreed to an exchange. Any delegation unhappy with the Chair's ruling could of course challenge it, but the consequences of such a challenge would be that the ruling would be put to a vote. Therefore, he appealed to all delegations to allow him to conduct his work. In the absence of the representative of Chile on behalf of the Rio Group, he would give the floor to the representative of Suriname, speaking on behalf of the Caribbean Community (CARICOM).

Agenda item 69: Promotion and protection of human rights (*continued*) (A/66/87)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/66/156, A/66/161, A/66/203, A/66/204, A/66/216, A/66/225, A/66/253, A/66/254, A/66/262, A/66/264, A/66/265, A/66/268, A/66/269, A/66/270, A/66/271, A/66/272, A/66/274, A/66/283, A/66/284, A/66/285, A/66/289, A/66/290, A/66/293, A/66/310, A/66/314, A/66/325, A/66/330, A/66/342, A/66/342/Add.1, A/66/372)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/267, A/66/322, A/66/343, A/66/358, A/66/361, A/66/365, A/66/374, A/66/518)

3. **Mr. MacDonald** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM would respect the Chair's ruling.

4. Development gains over the past years were being reversed, with developing countries and vulnerable populations disproportionately affected by pervasive poverty, increasing inequalities between and within countries, the spread of infectious diseases, armed conflicts, intolerance, environmental degradation and natural disasters. CARICOM States reiterated the interrelatedness and indivisibility of all human rights, but were concerned that economic, social and cultural rights appeared to have been relegated to lesser importance. Although it was the primary responsibility of Governments to implement the right to development, the importance of international cooperation in providing an enabling environment could not be overemphasized.

5. CARICOM noted that rising food prices, spurred by persistently high energy prices, led to increasing levels of poverty and put a strain on the realization of the right to food. The CARICOM Council for Trade and Economic Development (COTED) had thus endorsed a Regional Food and Nutrition Security Policy, which aimed to, inter alia, strengthen long-term sustainable agriculture, food security, nutrition and rural development programmes to eliminate the root causes of hunger and poverty, including through the progressive realization of the right to adequate food. As a result Member States had adopted policies to change consumption patterns and that advocated "eat

what you produce" and a balanced diet. Raising agricultural production was critical to food security. Therefore, obstacles, including high energy prices, unfair competition rules, market opportunities for developing countries, especially small island developing States, and mitigating the effects of climate change should be addressed.

6. With regard to the report (A/66/270) of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the disaster-prone Caribbean region had firsthand experience of guaranteeing the right to adequate housing in post-disaster settings. Natural disasters also compromised the right to health, water and sanitation and education, particularly of disadvantaged groups. Therefore, a comprehensive approach was of the utmost importance in the recovery and reconstruction response. CARICOM called on the international community to fulfil its promises to the Haitian Government to support the construction of permanent housing, rather than focus on immediate needs following the 2010 earthquake.

7. CARICOM countries, the majority of which were not represented in Geneva, welcomed the opportunity provided by the New York Chapter of the Review of the Human Rights Council and were pleased that the General Assembly had adopted the outcome of the process by consensus. The decision to institutionalize the arrangements for the presentation of the report of the Human Rights Council to both the Plenary of the General Assembly and the Third Committee would provide an opportunity for all member States, particularly those with limited or no representation in Geneva, to participate meaningfully in the debate on the work of the Council.

8. Human rights education was essential to the full realization of human rights and fundamental freedoms and to fostering tolerance and respect for the dignity of others. The adoption by the Human Rights Council of the United Nations declaration on human rights education and training (A/HRC/RES/16/1) was a concrete example of the resolve of Member States to increase attention to human rights education, and CARICOM looked forward to its adoption by the General Assembly.

9. **Mr. Varilas** (Observer for the European Union), speaking also on behalf of the candidate countries Croatia, Iceland, Montenegro, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and in addition, Armenia, Azerbaijan, Georgia, Liechtenstein, Norway, the Republic of Moldova and Ukraine, thanked the Chair for his efforts to find a solution to the problem of the order of speakers. While his delegation wished to contribute to the smooth functioning of the Committee, it would like to reserve its position on the criteria outlined by the Chair pending verification that they were in line with the positions of principle that had been expressed on that issue.

10. No country was immune from criticism and all States must be subject to international scrutiny. His delegation therefore encouraged the Committee to consider thematic issues and specific country situations. There had been, and continued to be, unprecedented upheavals in many countries of the Middle East and North Africa in 2011, with more and more citizens calling for greater democracy, respect for fundamental rights, the rule of law, social justice and economic opportunities. Under its European Neighbourhood Policy, the European Union was sympathetic to and actively supported those positive changes and would remain vigilant on all human rights issues, especially women's human rights, in those countries.

11. Tunisia had taken significant steps in its democratic transition, notably the recent democratic elections and the ratification of three core human right treaties and the Rome Statute of the International Criminal Court. Promising developments were underway in Egypt, although concerns remained about the continued application of emergency rule, the use of military tribunals to try civilians and the interreligious tensions. The European Union was also encouraged by the statements of the Chairman of the National Transitional Council of Libya on the need to respect the standards of international human rights and humanitarian law. However, the reported cases of arbitrary detention and extrajudicial killings gave cause for concern. The European Union called on the new Libyan authorities to cooperate fully with the International Criminal Court.

12. The European Union remained very concerned about the situation in Bahrain, particularly the detention of medical professionals. Some positive steps had been taken, notably the establishment of the Bahrain Independent Commission of Inquiry, but

meaningful national reconciliation should be actively promoted and a process of reform adopted. The situation in Yemen was extremely worrying, where serious human rights violations and abuses had taken place in a context of near impunity. The European Union called for the bloodshed to stop immediately and for an inclusive, orderly and peaceful process of political transition to be implemented rapidly, in line with the plan drawn up by the Gulf Cooperation Council. It also urged the Government of Yemen to act without delay on the recommendations made in the report further to the visit to Yemen of the Office of the High Commissioner for Human Rights (OHCHR) and Human Rights Council Resolution 18/19.

13. Women had taken leading roles in the Arab Spring, and the recent award of the Nobel Peace Prize to three distinguished women underlined the crucial role women played in conflict resolution and peace building. Yet the continued impediments to the full empowerment of women everywhere had been illustrated by the joint report of OHCHR and United Nations Assistance Mission in Afghanistan (UNAMA) on Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan. Given that the crucial situation of women's rights was exacerbated in conflict situations, as was the case in the Democratic Republic of the Congo, the requests made in Security Council resolution 1960 (2010) were particularly important.

14. A country's transition to a better, peaceful and sustainable future required putting an end to impunity. Thus it was very important for the Government of Sri Lanka to address the credible allegations of very serious human rights violations committed during the internal armed conflict through an independent process and bring the perpetrators to account. There was also a need to end impunity in Sudan and in South Sudan. His delegation fully supported an independent investigation into allegations of widespread human rights violations in Southern Kordofan and Blue Nile States, and called on all parties concerned to grant unhindered humanitarian access to all aid organizations. The situation also remained critical in Darfur.

15. Respect for freedom of opinion and expression, together with freedom of association and assembly, were the basis for an inclusive society. The European Union paid tribute not only to the invaluable work done by many journalists and media professionals around the world, but also to the many private citizens who had used modern information and communication technologies to reveal the truth about unfolding events. It recalled that freedom of expression extended to the Internet and called on all countries to promote the free flow of information on and individuals' access to the Internet. It noted with concern that restrictions on freedom of expression had intensified recently in China.

16. The European Union strongly condemned the continued harassment of the political opposition, independent media and representatives of civil society in Belarus and was deeply concerned about the amendments to legislation on social organizations, mass events and State security, which would represent yet another serious step backward in respect for human rights and the rule of law in Belarus. Persistent violations by Eritrea of its human rights obligations under both domestic and international law were also a matter of concern. The continued detention without trial of 11 Members of Parliament since 2001 and 10 independent journalists was unacceptable. His delegation called for the immediate release of all political prisoners in that country. The Government of Ethiopia also needed to take serious steps to improve respect for human rights, civil society, the media and political opponents. However, he welcomed the decision to commute the death sentence of 23 Derg officials earlier in the year.

17. Discrimination and acts of intolerance on the basis of religion or belief had been reported in many countries. It was also important to address the discrimination, persecution and ill-treatment suffered by lesbian, gay, bisexual and transgender persons in many parts of the world.

18. The European Union took note of the reports by the Secretary-General and relevant Special Rapporteurs on the human rights situations in Myanmar, the Democratic People's Republic of Korea and the Islamic Republic of Iran and echoed the conclusions and recommendations of those reports. Perhaps the most emblematic case of recent violent oppression of a regime against its own people was that of the Syrian Arab Republic. The European Union called for the perpetrators of crimes, including potential crimes against humanity, to be held to account; for an end to killings and arbitrary detentions; the release of political prisoners; and, respect for the freedom of assembly. It demanded that the Syrian authorities grant humanitarian agencies and workers unhindered and

continued access to the crisis areas, and restore basic services, including free access to hospitals. It also deplored the continued refusal of the Syrian authorities to allow the Office of the United Nations High Commissioner for Human Rights to visit the region or to cooperate with the commission of inquiry set up by the Human Rights Council, and demanded that the authorities took prompt action in that regard.

19. **Mr. Errázuriz** (Chile), speaking on behalf of the Rio Group, stressed the importance of respecting the human rights of all migrants, an issue of particular significance for the Americas, where the current society was a product of past and present migratory flows. The members of the Rio Group were proud of their multi-ethnic and multicultural character and believed that migration had enriched their societies. Unfortunately, the contribution of migrants to the economic and social development of their host societies was not sufficiently recognized, a problem that was aggravated by the global economic and financial crisis.

20. The Rio Group deplored the adoption of laws and regulations which criminalized migration. The Group urged Member States to put an end to excessive detention periods for migrants and to respect their dignity and human rights, to repeal laws adopted for political motives which tacitly encouraged illegal migration and to stop taking discriminatory or stigmatizing measures against certain groups of people.

21. The Rio Group agreed with the Secretary-General that women migrant workers were active contributors to development in countries of origin and destination. Violence and discrimination against them not only imposed costs on the individual women migrant workers, but also on their families, communities and states, thereby adversely affecting economic and social development. In addition, the Group was concerned that international criminal networks were trafficking migrants. Its members were committed to redoubling their efforts to prevent and combat human trafficking, including all forms of trafficking and exploitation of migrants, and to guaranteeing the protection and care of victims of those crimes, in particular women, children and adolescents. The Group urged States to establish and strengthen focal points to coordinate activities between countries of origin and destination to combat such crimes. It also recognized the importance of the right of migrants to return to their countries of origin safely and the need to foster the economic, social and political conditions there that would help them to thrive.

22. It was crucial to continue the campaign against racism and xenophobia and to defend the human rights of migrants, especially the most vulnerable groups, including women, children and young people. In that regard, the Rio Group highlighted the important cooperation between the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Chair of the fourth Global Forum on Migration and Development, Mexico, in organizing a high-level consultation on promoting and protecting the rights of women migrant workers, which had contributed to the outcomes of the Forum round table on gender, family, migration and development.

23. **Ms. Silveira** (Uruguay), speaking on behalf of the member States of the Southern Common Market (MERCOSUR) and the associated States the Plurinational State of Bolivia, Chile, Colombia, Ecuador and Peru, said that the MERCOSUR member and associated States aligned themselves with the statement on behalf of the Rio Group. They reaffirmed that human rights were universal, indivisible and interdependent and that they contributed to the promotion of peace and sustainable development. In that regard, the Human Rights Public Policy Institute of MERCOSUR had begun operations. Its role was to contribute to strengthening the rule of law and consolidating human rights in member States.

24. The member States of MERCOSUR and associated States were concerned by the effects of the economic and financial crisis on the realization of all human rights, including civil and political rights, economic, social and cultural rights and the right to development. Those crises were not an excuse to violate human rights. Therefore, they urged developed countries to honour their commitment to dedicate 0.7 per cent of their gross domestic product to official development assistance by 2015.

25. The member States of MERCOSUR and associated States were united in their fight against discrimination. They deplored in particular the increase in religious intolerance and recognized the need, through dialogue and education, to combat all forms of incitement to religious hatred. They also denounced discrimination based on sexual orientation, called for the elimination of criminal sanctions imposed on persons because of their sexual orientation and urged

all States to redouble their efforts to put an end to related acts of violence.

26. They welcomed the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, which would contribute significantly to ending impunity. They invited those States that had not yet done so, to consider signing and ratifying the Convention.

27. The member States of MERCOSUR and associated States reiterated their commitment to strengthening and improving the effectiveness of the Human Rights Council, the Organization's main body responsible for the multilateral, objective and impartial treatment of the question of human rights.

28. **Mr. Abdullah** (Malaysia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN wished to state that the informal exchange with the European Union in the speaking order did not change the stance adopted by ASEAN on the issue of principle faced by the Committee. He reiterated that ASEAN considered that major groups, represented by a Member State, should speak before Permanent Observers.

29. The fact that the ASEAN Member States had diverse political systems added to their determination to find the most equitable formula to express their commitments to the same shared aspirations and common desire to promote democracy, human rights, fundamental freedoms, the rule of law and good governance. To that end, the ASEAN Charter, which had entered into force on 15 December 2008, listed the key principles and purposes of the Association and paved the way for the realization of the ASEAN Community by 2015. The Charter accorded ASEAN legal personality, established greater institutional accountability, and reinforced its position as a serious regional player. The ASEAN Intergovernmental Commission on Human Rights (AICHR) had been established in October 2009 as an intergovernmental body working through consultation and consensus, in the long-held tradition of ASEAN, non-confrontational, positive and constructive engagement being more generally appreciated in view of the region's different cultures, religions and traditions.

30. In April 2010, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children was inaugurated. It took into consideration the different historical, political, socio-cultural, religious and economic contexts of the region and sought to balance rights and responsibilities. Moreover, it aimed to promote the well-being, development, empowerment and participation of women and children in the ASEAN community-building process.

31. **Mr. Samarasinghe** (Sri Lanka) thanked the Chair for exemplary way he had handled the negotiations on the speaking order. It was always worthwhile to defend a principled position and he was happy to note that, at least for the time being, a consensus appeared to have been reached so that proceedings could continue.

32. His country was ushering in an era of peace, prosperity and progress based on equitable development and national healing, after nearly three decades of internal armed conflict. His Government's long-term goal was a Sri Lankan people free of the fear of terrorism and united without consideration of creed, language, ethnic or cultural background or other grounds. Since the defeat of the Liberation Tigers of Tamil Eelam (LTTE) the Government had invested heavily in public infrastructure and education, vocational training, health and other governmental services. The Government's programmes had enabled 95 per cent of the persons displaced by the conflict to return successfully to their homes, while the remainder were waiting for their land to be demined. The gross domestic product of the local economy in the north of the country had risen by 22 per cent, compared to the national average of 8 per cent, which demonstrated the spirit of enterprise and renewal that pervaded in the newly conflict-free areas.

33. Steps had been taken to address the question of reconciliation, which was a prerequisite for peace. The Lessons Learnt and Reconciliation Commission had been established, based on international best practices, and endowed with a wide mandate to make recommendations for reconciliation, restitution for victims and to prevent conflict from breaking out again. The final report of the Commission was expected shortly and its interim recommendations had already been implemented.

34. His delegation wished to raise the subject of the working methods and practices of the Human Rights Council, in particular the issue of transparency and fairness in relation to its support structure and ancillary offices, including the special procedures and mechanisms. In September 2011, his country was faced with a unique situation when it came to light that a

report on Sri Lanka, initiated by the Secretary-General, had purportedly been communicated to the United Nations High Commissioner for Human Rights and the President of the Human Rights Council. The manner in which that document was communicated, without notifying the country concerned, caused great concern, especially as a particular regional group had been made aware of the report by the High Commissioner for Human Rights before it had been transmitted to the President of the Council. Apart from the fact that no intergovernmental body had requested or sanctioned the formation, functioning or reporting of the Secretary-General's Panel of Experts, the report itself was irretrievably flawed. His delegation had vigorously asserted that it would set a very bad precedent if that document were presented to the Council, and fortunately that counsel had prevailed. There had also been attempts to second-guess and call into question the work and forthcoming conclusions of the Commission's deliberations. There had even been a call for the report of the Commission to be discussed during the nineteenth session of the Human Rights Council in 2012, mere months after it was due to be finalized. However, he reminded the Committee that his country would be undergoing the universal periodic review in October 2012; therefore, all questions could be discussed at that time.

35. His country was more than willing to engage openly with parties that were genuinely interested in discussing the truth, but it was opposed to any unjustified attempts to denigrate the work of the Lessons Learnt and Reconciliation Commission, before it had finalized its work and submitted its findings to the Government. The suggestion that a domestic process should be analyzed and discussed at the international level, before it had reached its natural conclusions, and the ramifications it could have for other contexts, must be treated with extreme caution and dealt with appropriately.

36. **Mr. Goddard** (United States of America) said that in 2010, his country had joined over 60 other delegations at the fifteenth session of the Human Rights Council to establish the mandate of the Special Rapporteur on the right to freedom of association and peaceful assembly. That right was central to a healthy civil society and the democratic process. New technologies meant that persons could assemble and associate both in person and online. Unfortunately, some countries continued to deny their citizens that right, notably Syria, Iran, Burma, the Democratic People's Republic of Korea and Cuba. Despite the Syrian authorities' rhetoric of reform and dialogue, the forces acting for the regime were responsible for mass arrests, torture, targeted killings and arbitrary executions and detentions, including of young children; actions which the High Commissioner for Human Rights had said could be crimes against humanity. The Iranian regime had harassed, abused, intimidated, detained and sentenced human rights defenders, civil society actors, student activists, artists and thousands of individuals without cause or due process of law, including opposition leaders, notably Mir-Hossein Mousavi and Mehdi Karroubi and their wives, and continued to hold more than 100 juveniles on death row, in contravention of the international human rights conventions to which it was party. The authorities blocked access to thousands of websites, jailed opposition bloggers and monitored individuals' private Internet communications. Members of ethnic and religious minorities continued to face abuse, restrictions on their right to practice their faith and to equal treatment and some, such as Pastor Nadarkhani, had been sentenced to death for their religious beliefs.

37. While his Government welcomed the recent release of some political prisoners in Burma, the Burmese Government continued to hold many others and to subject ethnic and religious minority populations to discrimination and attacks, which had resulted in thousands of displaced persons over the past five decades.

38. **Mr. Kyaw** (Myanmar), speaking on a point of order, asked the Chair to request representatives to use his country's official name, as it had been named incorrectly by the representative of the United States of America. He considered the use of the incorrect name to be an insult both to his country and also to the Committee of the United Nations.

39. **The Chair** appealed to all representatives to use the official United Nations names of countries.

40. **Mr. Goddard** (United States of America) said that he respectfully disagreed with the representative of Burma. The Burmese Government also targeted political activists and censored the media. It was hoped that the reform of the labour law would comply with International Labour Organization standards, but the authorities continued to jail trade unionists. Similarly, the citizens of the Democratic People's Republic of

Korea were denied the freedoms of religion, expression, assembly, association and movement, and their worker's rights were not respected. The authorities severely restricted the flow of independent information into, out of, and within the country, including the Internet.

41. His delegation noted with sadness the death of Laura Pollán, founder of the Damas de Blanco, an organization that fought for the right to peaceful assembly and for the rights and freedom of political prisoners, despite the active harassment of the Cuban authorities. He called on the Cuban Government to release Alan Gross immediately and unconditionally.

42. Finally, while his delegation welcomed China's increasingly important role on the world stage, he noted that China harassed and detained its citizens, notably Nobel Peace Prize laureate Liu Xiaobo, for expressing dissenting viewpoints, labelling them as dangers to state security or even terrorists. The authorities blocked many social networking sites and Internet searches. Severe restrictions were in place for civil society organizations, trade unions and religious groups, which threatened in particular the unique religious, cultural and linguistic identity of Tibetans.

43. **Mr. Sparber** (Liechtenstein) said that the recent heroic struggles in the Arab world had shown that Governments could not stand forever in the way of their people's full enjoyment of fundamental rights and freedoms. It had become clear that those Governments that continued to respond to the call of their people with oppression and violence had irreparably damaged their legitimacy. In those countries were change had occurred, the international community and the United Nations had a particular responsibility to help ensure that those changes were irreversible and to bring those responsible for crimes against international human rights and humanitarian law to account.

44. Once again the High Commissioner for Human Rights had been instrumental in raising awareness of human rights emergencies in a non-selective and facts-based manner, and creating political momentum to address many grave human rights violations. Unfortunately, politics had sometimes come in the way of effective follow-up. The Human Rights Council had reacted swiftly to address emergency human rights situations in Côte d'Ivoire, Libya and the Syrian Arab Republic, which had strengthened its authority and relevance. The recent, largely technical review of the Council was an expression of the increased support for its work and functioning. His delegation considered that the most important responsibility facing the Council was to implement the recommendations of the universal periodic review during the second cycle of the peer review.

45. His country would continue to work for the independence of the High Commissioner for Human Rights and of the system of special procedures of the Human Rights Council. It welcomed efforts to enhance transparency in the staffing, execution and financing of those mandates. However, unforeseen and extraordinary expenses arising from urgent human rights mandates had a direct negative impact on other activities of the Office of the High Commissioner of Human Rights (OHCHR). It was hoped that the Fifth Committee would address that situation and provide OHCHR with access to the unforeseen and extraordinary expenses mechanism.

46. His delegation supported a strong and independent treaty monitoring body system; however, the current backlog of work was detrimental to the call for timely reporting on the comprehensive implementation of the major human rights treaties. That was particularly unacceptable when it came to consideration of urgent individual complaints. He called for more innovative approaches to rationalize the proceedings of the Treaty-based bodies, such as meetings in parallel chambers. More must also be done to decrease the reporting burden on States. His delegation was looking forward to the report of the High Commissioner for Human Rights in that regard and welcomed recent initiatives to launch a constructive dialogue between the Treaty-based bodies and Members States.

47. *Ms. Popovici (Republic of Moldova) took the Chair.*

48. **Mr. Ndiaye** (Senegal) said that the principle that Member States expressed themselves before the Permanent Observers should be respected, as had been reaffirmed by the African Group.

49. Efforts to resolve conflicts, consolidate peace and establish harmonious development would be in vain unless States could eradicate all forms of discrimination. The recent global economic, financial and food crises had affected the most vulnerable members of society and had had a negative impact on the human rights situation in many countries. In that

context, respect for and protection of the rights of minorities, women, children and migrants, who were often the first victims of intolerance, were challenges that must command Governments' attention and guide their actions. Therefore, his Government had devoted more than 40 per cent of the national budget to the education sector and 10 per cent to health, thus opting for a proactive approach to ensure that the Senegalese people, particularly the vulnerable groups, enjoyed their rights fully.

50. It was unrealistic to expect continuous evolution in the field of international human rights law. Governments should focus on education, prevention and cooperation to promote human rights, as such measures often produced significant results. However, the international community should, at all costs, avoid establishing a model culture or community, disregarding other peoples' beliefs and values.

51. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) said that his country had reduced extreme poverty from 21 per cent in 1998 to 7.1 per cent in 2010, and was the least unequal country in Latin America, according the Gini coefficient. It had already met almost all of the Millennium Development Goals, four years early. During the recent universal periodic review, his country had been widely recognized for the way it guaranteed and respected human rights. The strictest respect for democratic freedoms prevailed in Venezuela.

52. One week earlier, the National Assembly had approved an Act to punish politically motivated crimes, disappearances, torture and other human rights violations during the period 1958-1998, which established regulations that allowed the State to expedite the investigation of human rights violations planned by the Government during that period and to ensure justice and reparations for the victims.

53. On 20 October 2011, the whole world had watched in amazement as the Libyan leader, Muammar Gaddafi, was captured near the city of Sirte; wounded, brutally tortured and, finally, extrajudicially murdered. It was clearly a war crime and those responsible must be brought to justice. Systematic human rights violations against real or suspected supporters of Gaddafi had been denounced by various organizations. He commended the fact that important world leaders and high-ranking officials of the United Nations had condemned the extrajudicial killing of Muammar Gaddafi. It was reprehensible, however, that the leaders of the North Atlantic Treaty Organization (NATO) had applauded his murder, perpetrated by mercenaries trained, armed and financed by the imperialist powers of NATO. His Government called for an impartial and independent international investigation into those heinous acts and for the immediate and total withdrawal of NATO forces from Libya. It was politically, legally and morally unjustifiable and reprehensible that Security Council resolution 1973 (2011) had been used to destroy a country, to implement regime change and to commit the extrajudicial murder of the leader of an African, developing and Southern nation.

54. **Mr. Wetland** (Norway) said that Norway stood ready to support countries in North Africa and the Middle East to promote respect for human rights, the rule of law, reforms and democratic rule. He noted that the human rights situation in Syria had continued to deteriorate despite strong international condemnation and welcomed the efforts of the League of Arab States to halt the aggression of the Syrian authorities against their own people. He called on the Syrian Government to end the violence immediately, to stop arresting and torturing political dissidents and to respect its human rights obligations. He also condemned the Yemeni authorities' use of violence against the civilian population and called on the Government to protect peaceful protesters, to refrain from brutal violence and to bring those responsible to justice. His delegation was also concerned by the reports of human rights violations in Bahrain and called on the Bahraini authorities to investigate the allegations properly.

55. The recent positive developments, including on human rights issues, in Myanmar were welcome. However, the lack of capacity was a greater impediment to the successful implementation of the reforms than a lack of political will. Therefore, the international community should engage in capacity-building efforts in Myanmar to further support and promote human rights. Nevertheless, persistent reports of grave human rights violations in those areas of the country affected by armed conflict were a cause for concern. His delegation acknowledged and supported the Government's efforts to engage in dialogue with the armed groups, and stressed that the international community should monitor the situation closely. It also called for the release of all remaining political prisoners and for the International Committee of the

Red Cross (ICRC) to be allowed full access to carry out an independent assessment of the actual number of political prisoners.

56. His Government was deeply concerned about the serious human rights situation in the Democratic People's Republic of Korea. He acknowledged its participation in the universal periodic review, but it was a matter of concern that it had not given any response to the 117 recommendations or signalled any intention to follow up. His delegation would like to emphasize the importance of cooperating with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other international partners. Moreover, given the serious humanitarian situation in the country, it was important that international humanitarian organizations must be granted free access to do their work.

57. Human rights defenders deserved the support of the international community for their important work. The issue of protection of and assistance for internally displaced persons continued to be one of the major humanitarian and human rights challenges facing the world. Another serious global challenge was discrimination on the basis of sexual orientation or gender identity. His delegation welcomed the decision of the Human Rights Council to commission a study to document discriminatory legislation and practices as well as acts of violence against individuals based on their sexual orientation and gender identity. It was the duty of Governments to recognize the gap between their aspirations and achievements in the field of human rights. They must be able to take a critical view of their own actions and show willingness to listen to constructive criticism.

58. **Mr. Srivali** (Thailand) said that his delegation considered that the informal exchange in the speaking order between ASEAN and the European Union did not and should not constitute a precedent and it supported the Chair's interim measures, based on the principle that major groups should speak before observer entities.

59. The Thai Constitution guaranteed the rights and freedoms of the Thai people to participate in politics, governance, the formulation of public policy, and economic and social development planning. The second National Human Rights Plan of Action (2009-2013) aimed to strengthen the human rights network, raise awareness of human rights and align human rights protection with international standards. His Government's commitment to attaining social equality had led to the achievement of the Goal to eradicate extreme poverty and hunger and had also reduced socio-economic gaps, empowered women, improved access to and the quality of health care, increased literacy rates and resulted in unprecedented participation in the last general election.

60. In Thailand, the promotion and protection of human rights applied to everyone who contributed to the country's economic development. The Employment of Aliens Act ensured that migrant workers enjoyed the same welfare and legal protections as Thai nationals. It also imposed heavier penalties on employers found guilty of trafficking in persons and forced labour. The Anti-Trafficking in Persons Act provided assistance and compensation regardless of the status of victims. Thailand had implemented mechanisms to register and regularize all illegal migrant workers, and had signed memorandums of understanding with neighbouring countries to promote safe, secure and documented migration. Moreover, children accompanying their migrant parents were entitled to State compulsory education. The draft basic principles of the Special Rapporteur on trafficking in persons, especially women and children on the right to an effective remedy for victims of trafficking were extremely relevant and were useful guidelines for States Members.

61. Despite those achievements, there was still much to be done to improve human rights protection in Thailand. Notably, his Government was working to define torture and make it an offence under domestic law. The judicial and criminal justice systems were in the process of being reformed to encourage more public participation, greater accountability and to introduce measures to prevent impunity. Training courses on human rights monitoring methodologies had been carried out with the support of the OHCHR. His country had also been active in various international forums to promote and protect human rights and was committed to supporting the work of the AICHR and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

62. **Mr. Wang** Min (China) said, with regard to the speaking order of major groups, that it was his understanding that the speaking order for the current meeting was an interim arrangement. China believed that major groups represented by sovereign States should take priority in the speaking order.

63. The task of attaining the Millennium Development Goals had become more challenging due to the international economic and financial crisis, food and energy insecurity, natural disasters, inequalities between the North and South, and trade barriers. He deplored the increase in cases of incitement to racial and religious hatred and discrimination against migrants. It was a matter of deep concern that human rights endeavours continued to be plagued by double standards and politicization, with a small number of countries using country-specific resolutions to put pressure on developing countries and using them as an excuse to interfere in the internal affairs of other countries.

64. To resolve that situation, China recommended, first, that Member States should adhere strictly to the purposes and principles of the Charter of the United Nations. The sovereignty and territorial integrity of countries should be fully respected. The international community should respect the political system a country had chosen of its own accord, the path of human rights development it pursued and the diversity of civilizations. Second, States should abandon practices of politicization and double standards on human rights issues and treat human rights issues in a fair, objective and tolerant manner. Third, the international community should engage in human rights dialogue and cooperation on the basis of equality and mutual respect. Countries had different interpretations of human rights and faced different challenges as a result of their level of economic and social development and cultural traditions. However, diversity should be regarded as an opportunity to learn from one another, rather than as an excuse for big, rich countries to bully small, poor ones. Fourth, greater emphasis should be put on realizing the right to development, as it was the basis for all other human rights. Fifth, countries should eliminate all forms of discrimination and safeguard the rights of vulnerable groups. The international community should fully implement the Durban Declaration and Programme of Action, and adopt a "zero tolerance" stance on racism. Sixth, the human rights work of the United Nations should be improved further. He welcomed the completion of the first round of the universal periodic review of all 193 States Members by the Human Rights Council and hoped that it would become a platform for dialogue and the exchange of experiences on an equal footing. The OHCHR should act in an objective and fair manner, increase the transparency of its work and accept the monitoring of the Human Rights Council. It was essential to consult States Parties on the reform of the Treaty-based bodies and strengthen dialogue and exchanges with the countries concerned.

65. He rejected the criticisms of the representatives of the United States of America and the European Union. China had found a path for human rights development that suited the country's national conditions and characteristics. The fortieth anniversary of China's restoration to its lawful seat in the United Nations had been observed in 2011. Over those four decades, his country had actively participated in international human rights exchanges and cooperation, and had enriched the human rights concepts and practices of the United Nations with its own mode of human rights development. China had ratified or acceded to 25 international human rights conventions and maintained sound relations with the relevant Treaty-based bodies. Lastly, his country would continue to strengthen its human rights exchanges and cooperation with all countries on the basis of equality and mutual respect, to strive to increase mutual understanding and to resolve disputes.

66. **Mr. de Alba** (Mexico) said that his country had received five mandate holders of the Organization of American States and the United Nations, whose recommendations had led to structural changes at the national level, notably the constitutional reforms concerning human rights and amparo. As a result, any person could initiate proceedings for violations of internationally recognized human rights, and the rights contained in the international treaties to which Mexico was party were given constitutional status. Similarly, the Supreme Court had established that all judicial decisions must be consistent with those instruments and judgments of the Inter-American Court of Human Rights. The domestic legal framework had been reformed to establish the obligation of the State to prevent and remedy human rights violations; to include respect for human rights as a principle of public education; to make the promotion and protection of human rights one of the guiding principles of Mexico's foreign relations; and, to strengthen the authority of the National Human Rights Commission and the autonomy of the 32 local commissions. Those reforms were a result of cooperation between the Government, civil society and international mechanisms.

67. It was necessary to promote greater synergy between the work of the Human Rights Council and the

General Assembly, to avoid unnecessary duplications and make the most of complementary efforts on certain issues.

68. As a country of origin, transit and destination for migrants, Mexico stressed the importance of addressing the opportunities and challenges produced by migration with a comprehensive approach, focused on protecting migrants and their families, based on the fundamental principle that human rights were universal and that everyone had the right to their full enjoyment in any country, independent of their migration status. He expressed concern that some States had adopted legislation that criminalized migration. His delegation supported the work of the High Commissioner for Human Rights and the new Special Rapporteur on the human rights of migrants to ensure that efforts to combat discrimination against migrants were given priority.

69. Additional meeting time should be granted to the Committee on the Rights of Persons with Disabilities, to enable it to carry out effectively its important work of ensuring that the principles and rights established in the Convention on the Rights of Persons with Disabilities were observed at the national level. His delegation also sought to strengthen the complementarity of initiatives to promote the respect of human rights in the fight against terrorism, presented by Mexico for consideration to the Human Rights Council and the General Assembly. Such initiatives were the only way to ensure the effectiveness and legitimacy of those measures. International cooperation was an important aspect in that fight; thus it was appropriate that the relevant United Nations bodies should promote the exchange of good practices, including those identified by the Special Rapporteur.

70. **Mr. Rishchynski** (Canada) said that his Government was in the process of establishing an Office of Religious Freedom within the Department of Foreign Affairs and International Trade, which would promote the protection of freedom of religion as a key objective of Canadian foreign policy. His delegation remained concerned about the plight of religious minorities, notably in Egypt, Pakistan and China. He welcomed the commitment by the Egyptian Government to bring those responsible for sectarian violence between Muslims and Copts to justice and the announcement of a new law that would increase the penalties for discrimination.

71. Global efforts to promote and protect human rights were imperilled by continued violations around the world. In particular, his delegation was deeply concerned by human rights violations in Iran, including the execution of minors, the persistent suppression of women's rights and restrictions on the freedom of religion. His Government called on the Syrian authorities to put an end to the violence in that country, release all political prisoners, grant free and unfettered access to the Human Rights Council commission of inquiry and meet the demands of the Syrian people for a democratic Syria that respected the rights of all its citizens. Canada stood with the people of Syria in their peaceful efforts for democracy, human rights and the rule of law, and reiterated its call that President Assad should step aside. His delegation was concerned that the underlying sources of conflict in Sri Lanka were not being addressed and supported calls for an independent investigation into credible allegations of international humanitarian law and human rights violations committed by both parties to the armed conflict, as recommended by the Secretary-General's Panel of Experts on Accountability in Sri Lanka.

72. His delegation shared the concerns of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and called on the authorities to facilitate the Special Rapporteur's work and to allow him access to the country. Canada also continued to monitor the situation in Burma closely.

73. **Mr. Kyaw** (Myanmar) speaking on a point of order, asked the Chair to request representatives to use his country's official name, as it had been named incorrectly by the representative of Canada.

74. **The Chair** appealed to all representatives to use the official United Nations names of countries.

75. **Mr. Rishchynski** (Canada) said that he welcomed the release of a number of political prisoners and the meetings held between Daw Aung San Suu Kyi and high-level Government officials. However, several important issues remained unresolved. He called for the prompt and unconditional release of the remaining political prisoners and an end to discrimination against religious minorities, and urged the authorities to engage in inclusive dialogue with the opposition and ethnic groups and to promptly and fully investigate allegations of human rights abuses by Government or military personnel. The international community must

also follow developments in Belarus closely and take every possible step to persuade its Government to respect international human rights law.

76. Lastly, his delegation recognized that despite progress made, girls continued to be at greater risk of being exposed to various forms of violence, including rape and genital mutilation. He hoped that the proclamation of an International Day of the Girl by the General Assembly would focus further attention on the situation of the girl child and on the promotion of girls' rights.

77. **Mr. de Séllos** (Brazil) said that the world was witnessing profound and accelerated political and economic transformations. The response to such challenges must be based on a human rights approach, and the United Nations was uniquely positioned to provide Member States with the space to work together with a view to overcoming obstacles to the promotion and protection of all human rights and fundamental freedoms. The first cycle of the universal periodic review had shown that no country had a flawless record in the promotion of human rights. All States should engage constructively in dialogue and accept criticism.

78. A country's particularities or challenges, whether cultural, economic, social or political, should not serve as a pretext for disregarding basic human rights. Moreover, the international community should condemn gross human rights violations wherever they occurred in a manner that was consistent with the principles of universality, objectivity and non-selectivity. However, he cautioned against establishing an automatic link between human rights protection and coercive measures. Human rights could not serve as a pretext for unilateral action that bypassed international law. The international community must ensure that the force of values was greater than the value of force.

79. In the view of his delegation, there was no hierarchy between economic, social and cultural rights on one hand and civil and political rights on the other. It reaffirmed the universal, indivisible, interrelated, interdependent and mutually reinforcing nature of all human rights and fundamental freedoms.

80. **Ms. Zolotova** (Russian Federation) said that despite the indisputable progress made since the adoption of the Universal Declaration of Human Rights, the modern globalized world was characterized by a steady growth in phenomena which had an adverse impact on the promotion and protection of human rights. The global financial, economic and food crises, terrorism, natural and man-made disasters and regional upheavals were posing an increasing threat to fundamental values, and human rights themselves were being used as an instrument of political pressure and interference in internal affairs with a view to achieving short-term goals. Those challenges and threats confirmed the inseparable link between development, security and human rights and made it necessary to take a fresh look at human rights protection and pay due attention to economic, social and cultural rights, and also the effective implementation of the right to development, especially in view of the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development.

81. On the sixty-fifth anniversary of the Nuremberg verdicts, it was all the more saddening that racist and extremist groups were becoming increasingly active in many countries. Tolerance of the glorification of those involved in Nazi crimes, along with indifference and inaction of the international community, were giving rise to attempts to falsify history. Her delegation believed that the tendency, in the national legislation of a number of countries, to incorporate an arbitrary interpretation of historical events, designed to benefit political ambitions and short-term goals, would lead to an abandonment of international human rights obligations and create fertile ground for the popularization of theories of racist supremacy.

82. The experience gained by multi-ethnic and multi-faith States, including the Russian Federation, could be used to reconsider existing approaches to the values which had traditionally bound various societies and contributed to their development. Care must be taken to avoid the forcible export of standards which were characteristic of only one group of States in the guise of universal standards. It was inadmissible to promote artificial contradictions and clashes of values which could be mutually enhancing. The universality of human rights was indisputable and indivisible, but it was also necessary to take into account values that were traditional for various civilizations and legal systems and helped strengthen human rights and dignity. Universal foundations built up over the centuries must not be destroyed in the heat of revolutionary democratization.

83. Human rights had a powerful unifying potential. Concepts such as dignity, individual freedom and

responsibility, justice and equal rights should be an effective means of bringing together States, peoples and civilizations and facilitating dialogue and cooperation.

84. **Mr. Dabbashi** (Libya) said that the Universal Declaration of Human Rights and related international instruments contained the same general ethical principles as those professed by the great religions and schools of philosophy. Accordingly, they deserved to be universally applied.

85. Failure to respect human rights could lead to appalling crimes, as the agony that Libya had endured in recent months clearly showed. For forty years, the Libyan people had been under the oppressive rule of a tyrant. When they had demonstrated peacefully to demand their rights, they had been fired upon. Over 30,000 had been killed and over 50,000 injured; torture, imprisonment and execution without trial had been rife, and thousands of homes and other buildings had been destroyed.

86. A fact-finding mission sent by the Human Rights Council had determined that Colonel Gaddafi's forces and mercenaries had committed war crimes and crimes against humanity. The regime's media had falsely accused the insurgents of those very crimes, and it was unfortunate that there were some who had been misled by such propaganda. At most, in some very exceptional cases, excesses might have been committed. The Libyan insurgents who had taken up arms had been ordinary citizens who had had to defend themselves, and they had behaved with discipline for the most part. Nonetheless, any allegations of human rights violations would be investigated, and anyone found guilty of having committed such a violation would be tried and punished.

87. It was regrettable that the representative of Venezuela had described the Libyan people as mercenaries. No self-respecting diplomat could make such a remark, unless he was himself a mercenary in the service of a dictatorship.

88. The fall of the Gaddafi regime had been a watershed moment in the history of the Libyan people and the point of departure for a new, democratic Libya that would respect human rights and would support all those whose rights were violated, wherever they might be.

89. **Mr. Kodama** (Japan) said that his country engaged in human rights dialogue with ten countries. In doing so, it took a positive linkage approach based on respect for the history, culture and traditions of each. In its opinion, the special procedures mandated by the Human Rights Council and the universal periodic review facilitated dialogue between the countries and the international community. Serious and continuous violations of human rights should be addressed not only by the Council but also by the General Assembly, as a universal body with a wide membership.

90. The adoption by consensus of the Human Rights Council resolution on advisory services and technical assistance for Cambodia had been a good example of dialogue and cooperation. His delegation appreciated the efforts by the Cambodian Government to develop an action plan to follow up on the recommendations of the universal periodic review and encouraged it to take further steps to improve the human rights situation in Cambodia, with the assistance of the international community.

91. His delegation was gravely concerned by the human rights violations in the Democratic People's Republic of Korea. It was disappointed that the Government showed no intention of responding to the recommendations of the universal periodic review and refused to cooperate with the United Nations human rights mechanisms. Moreover, the authorities had taken no concrete action to investigate cases of abduction, including that of 12 Japanese citizens. He urged the Democratic People's Republic of Korea to commence a comprehensive investigation of those cases, in accordance with the 2008 agreement, without further delay.

92. He welcomed the developments toward democratization and national reconciliation in Myanmar and called on the international community to engage with and assist the Government, in order to improve the human rights situation. Japan would continue to encourage Myanmar to take further positive steps in that process. It also appreciated the participation of the Iranian Government in the seventh human rights dialogue with Japan earlier that year. However, it was concerned by the human rights situation in Iran, particularly the restrictions on the freedom of expression, executions by stoning, public executions and the execution of minors. He called on the Iranian Government to ratify the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, and to allow the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran into the country.

93. The recent developments in the Middle East and North Africa created an opportunity to improve the human rights situation in the region. He welcomed the important step toward women's political participation in Saudi Arabia and congratulated Ms. Tawakul Karman for winning the Nobel Peace Prize. However, his delegation was concerned by the worsening human rights situation in Yemen. It was also deeply concerned by the persistent serious human rights violations in Syria. He called upon the Syrian Government to cooperate with the commission of inquiry established by the Human Rights Council. Lastly, his delegation sincerely hoped that the universal value of human rights would be respected in the new nation-building process in Libya.

The meeting rose at 1.10 p.m.

In the absence of Mr. Haniff (Malaysia), Ms. Critchlow (Guyana), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/66/87)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/66/156, A/66/161, A/66/203, A/66/204, A/66/216, A/66/225, A/66/253, A/66/254, A/66/262, A/66/264, A/66/265, A/66/268-272, A/66/274, A/66/283-285, A/66/289, A/66/290, A/66/293, A/66/310, A/66/314, A/66/325, A/66/330, A/66/342 and Add.1, and A/66/372)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/267, A/66/322, A/66/343, A/66/358, A/66/361, A/66/365, A/66/374 and A/66/518; A/C.3/66/2)

1. **Mr. Jerandi** (Tunisia) said that the popular revolution in Tunisia reflected, fundamentally, the desire to build a society based on the modern ideals of citizenship and the universal values of freedom, justice and equality where the dignity and rights of all were guaranteed. It was a decisive moment in history that allowed Tunisia to reclaim its place among the community of nations which held those common values dear. The consecration of human rights and the defence of public freedoms were one of Tunisia's main priorities.

2. The transitional Government, determined to make those values a reality and fulfil the goals of the revolution, had adopted a rights-based approach including amnesty for all political prisoners of the old regime, dissolution of the political police, and accession to the Rome Statute of the International Criminal Court and to major international human rights instruments. Similarly, local offices of international human rights bodies and agencies had been opened in Tunis.

3. The Government was committed to accelerating judicial reform, to bring the judiciary into line with standards for fighting corruption and bringing to justice those responsible for the killing and torture of protesters and the plundering of national assets. It had thus set up two independent national commissions to investigate cases of corruption and embezzlement and of violations of the rights of Tunisians during the revolution.

4. Tunisia upheld the universal values of solidarity, justice and cooperation and called on the entire international community to support its efforts to recover its assets which had been misappropriated by the ousted President and his family and which the Tunisian people needed to cover the socio-economic costs of the transition to democracy. It also urged all States to which lawful extradition requests had been made to hand over the perpetrators of crimes against the Tunisian people so that they could face the courts in fair trials with safeguards for the rights of the defence in line with international instruments.

5. The country's commitment to human rights was made reality for Tunisian citizens on 23 October with the first free and transparent elections in its history to elect a constituent assembly, which would draft a new constitution and designate a leader until general elections were held. The massive voter turnout, which had exceeded 80 per cent in many polling stations, was an illustration of the people's thirst for democracy, justice and freedom. He commended the United Nations and international observers for supporting and ensuring a smoothly-run electoral process and extended warmest thanks to the Secretary-General for his unwavering trust in the Tunisian people.

6. **Ms. Macklin** (Australia) said that the Arab spring had been a reminder of the truly universal nature of human rights, as millions sought to exercise a right that could often be taken for granted. Australia continued its efforts to realize human rights at home and abroad. For persons with disabilities, the dignity of equal opportunity remained out of reach. After ratifying the Convention on the Rights of Persons with Disabilities, it had set out to ensure that those rights were accessible to every Australian with a disability via a national strategy to address barriers to equality and fundamental reform of disability care and support. The Government had also begun to lay the foundations for a National Disability Insurance Scheme to ensure security for persons with disabilities and give them the opportunity to participate fully in the society.

7. Indigenous Australians were of special importance to Australia and humanity, and the

Government considered the disadvantages that they faced to be unacceptable. It was working to close the gap with new efforts to correct decades of underinvestment in social services. To achieve that, it was necessary to work in partnership with Indigenous Australians, and the Government had taken an important step towards that with the National Apology to Australia's Indigenous Peoples. It had also established bodies to address the trauma experienced by Indigenous Australians, give them a national voice in policy and programme development, and provide advice on the recognition of Indigenous Australians in the National Constitution. Her country supported the United Nations Declaration on the Rights of Indigenous Peoples and was working closely with Member States ahead of the 2014 World Conference.

8. Australia respected and acknowledged progress made regionally and worldwide. Recent developments in Myanmar had been heartening, but much remained to be done and Australia stood ready to play its part. It welcomed the Libyan National Transition Council's commitment to respecting democracy, human rights and the rule of law. However, there were daily reminders that the rights of citizens were violated. Australia urged the Syrian Arab Republic to immediately end the ongoing brutality against its own people.

9. Her Government also urged the Islamic Republic of Iran to respect freedom of association and expression and to protect the human rights of all. It called on the Fiji Interim Government to hold free and fair elections to ensure a return to democracy and stood ready to assist in that process. Human rights were not yet enjoyed universally, but progress had been significant and swift — that was something to be proud of and should reinforce the collective resolve to build a better future for all.

10. **Mr. Khan** (Indonesia) said that his country's Second National Action Plan on human rights had consisted of six pillars for improving the delivery of human rights; the Third National Action Plan (2010-2015) built on the achievements of the first two and included a new pillar: to provide communication services more effectively to the people. Priority was thus being given to strengthening local committees to bring them in line with international human rights standards.

11. Indonesia recognized that migration could be an essential component of development and prosperity in all the countries involved. However, it was concerned at the increasing intolerance towards migrants and their vulnerability to a number of crimes, as well as the fact that irregular migrants often feared to seek legal protection and were denied enjoyment of basic social rights. It was essential to enhance joint efforts to encourage all countries of origin, transit and destination to establish mechanisms to manage migration better and improve the protection of migrants.

12. Indonesia agreed with the need for greater national priority and international and regional cooperation in combating trafficking in persons. The Government had been implementing various measures to protect women and children from trafficking through national plans of action. Regionally, Indonesia, Australia and other neighbours had played important roles in promoting cooperation to combat trafficking, notably through the Bali Process.

13. His country supported the need to integrate a rights-based approach to disaster management, including the rights of internally displaced and the right to adequate housing, especially in post-disaster rehabilitation. As a country prone to natural disaster, Indonesia was ready to share its best practices in disaster management and reduction. Those had been applied following the disasters that had struck in recent years, with a rehabilitation and reconstruction programme that had been conducted with an approach based on humanity, impartiality and neutrality and in the spirit of "build back better" and "delivering as one". Lastly, he pointed out that in October 2011, Indonesia had promulgated a law ratifying the Convention on the Rights of Persons with Disabilities, reflecting the country's strong commitment to the promotion and protection of human rights.

14. **Ms. Alsaleh** (Syrian Arab Republic) said that human rights were not a cultural product that could be exported by one country to another, but were a universal concept and were indivisible. Her country had recently announced a series of legislative reforms to ensure a better future for its people. An act authorizing the establishment of parties had been passed, under which 15 new political parties had been formed. A committee for the drafting of a new constitution had been established, in keeping with constitutional precepts. The state of emergency had

been lifted, and a law on peaceful assembly had been adopted. There was also a new information act, guaranteeing freedom of information and protection for journalists. A number of measures and resolutions had been introduced in record time, which would allow the people to enjoy democracy, political plurality and human rights, making it an example to be followed regionally and internationally.

15. The recent Occupy movement demonstrations and similar protests in Europe called for redistribution of wealth and a more equitable society, social and economic rights and the reduction of poverty. Her country was concerned by the use of brutal force by law enforcement officials to silence the young demonstrators.

16. The Vienna Declaration and Programme of Action called for effective international measures to guarantee the human rights of people under foreign occupation and for their legal protection, in accordance with international law. Continued foreign occupation was in itself a serious violation, and the Syrian Arab Republic called for the immediate cessation of the occupation of Palestine. Appropriate measures must be taken to counter the many horrors perpetrated by Israel violating human rights in the occupied territories, ranging from the persecution of human rights defenders and detention of legally elected persons to the eviction of occupied populations from their homes and deprivation of access to food and drinking water.

17. **Mr. Chuquihuara** (Peru) said that his country had acceded to and ratified the main United Nations human rights instruments and, as a founding member of the Human Rights Council, it had volunteered to be one of the first countries considered under the universal periodic review (UPR) mechanism. Peru had also worked with special procedures mandate holders and had participated actively in the review processes of the Human Rights Council. His country hoped that the Council would be given adequate funding for unforeseen situations arising from emergency decisions and resolutions and would continue to support any process aimed at enhancing its work.

18. A number of factors such as extreme poverty impeded the full enjoyment of human rights for millions of people around the world. States should step up their efforts to tackle those problems and meet internationally undertaken commitments. Cooperation and capacity-building enhanced the effectiveness of the fight against extreme poverty, and Peru called on States, the United Nations system and international financial institutions to boost cooperation and capacity-building efforts in that field, particularly in developing countries. In view of the importance of guaranteeing universal access to social services to combat extreme poverty, it was vital to implement social protection measures based on the principles of equality, participation and transparency and respect for national legal frameworks and international human rights standards. That would empower people living in extreme poverty and include them in decision-making processes.

19. Peru was concerned about the human rights of migrants and regretted profoundly the adoption of laws criminalizing irregular migration, which affected the rights and dignity of migrants. It also opposed the taxation of remittances made by migrant workers and called on Member States to abolish such measures, which could exacerbate the migration issue, encourage human trafficking and slavery and compound the poverty of migrants and their families. The rise in xenophobia and discrimination against foreigners as a result of the recent economic and financial crises was also a cause for concern. Firmly committed to promoting the rights of indigenous peoples and building an inclusive and fairer society, Peru had recently promulgated a law on the right to prior consultation of indigenous peoples, which was in line with ILO Convention No. 169. Democratic societies were essential for promoting social inclusion, thereby guaranteeing active citizen participation and the exercise of human rights and fundamental freedoms.

20. **Mr. Omer** (Sudan) said that his country had ratified a number of international human rights treaties and conventions and had incorporated them into domestic legislation. The Sudan had met all its obligations concerning the overall peace agreement and the creation of the State of South Sudan and had also signed the Doha agreement for peace in Darfur under the auspices of Qatar. The international community must ensure that those agreements were respected by the rebels in order to maintain the ceasefire and protect human rights.

21. He wished to correct some information in the statement by the representative of the European Union. There had been positive developments on the ground that contradicted the claims of a lack of stability. Peace had begun to take root, as mentioned by the Secretary-

General in the Security Council. It had been a military rebellion, not a popular movement, which had contravened the peace agreement and had led regular forces to take up arms to protect civilians. Concerning the Blue Nile region, he pointed out that the elected governor had been a rebel, which had led to the fall of the Khartoum-backed government, and the authorities had wanted to reinstate peace and stability. The displaced persons had since returned and were leading normal lives once more.

22. Human rights and freedom of expression were enacted by legislation and guaranteed by the Constitution. The Sudan had communication media and press, though there was only one State television channel. There were no laws preventing freedom of expression. It welcomed the decision by the Human Rights Council to end the mandate of the independent expert as that confirmed that the human rights situation was improving. His delegation regretted that those positive developments had not been emphasized in the report submitted to the Committee.

23. The Sudan was committed to continuing cooperation through the United Nations human rights mechanisms to reinforce respect for human rights. In view of the universality of human rights, economic, social and cultural rights should be given the same significance as civil and political rights. That would require the creation of special mechanisms. Tolerance should be promoted to reinforce intercultural and interfaith dialogue, avoiding any attempts to impose certain value systems or discredit others. His delegation attached great importance to the universal periodic review (UPR) mechanism and would continue to cooperate in that area. More attention should be given to the most vulnerable members of society. All countries faced difficulties in protecting human rights. The Human Rights Council would constitute a common heritage that would guide States in their cooperation to promote and protect human rights.

24. **Ms. Kolontai** (Belarus) said that her country conducted a policy aimed at ensuring well-being through social guarantees and political freedoms. There had been significant success, and a number of Millennium Development Goals (MDGs) had already been achieved, including 100 per cent literacy and poverty reduction. Those efforts had been noted by the international community, especially during the UPR exercise in 2010. The country had approved over two-thirds of the recommendations and was already implementing them through a comprehensive plan involving government agencies and civil society bodies with the requisite expertise.

25. To integrate women into the country's social, economic and cultural life, the Government had adopted a national plan for gender equality 2011-2015. Based on assessments by UNICEF, its measures to lower infant mortality had reduced the rate to 5.4 deaths per 1,000 live births. Six national reports had been submitted to treaty bodies, and Belarus was actively working on a draft law on accession to the Convention on the Rights of Persons with Disabilities. Technical assistance from United Nations human rights bodies was required to implement the UPR recommendations. Belarus was interested in obtaining such assistance for projects in that field.

26. Her country had always believed that United Nations human rights activities should be implemented through cooperation and true dialogue among Member States and should aim to strengthen their potential to carry out their obligations to protect human rights in the interest of all people. Belarus had sent a letter inviting the High Commissioner for Human Rights to visit the country as proof of its firm commitment to working constructively with international human rights bodies.

27. There could be no hierarchy in human rights-they were all interlinked, complementary and indivisible. Human rights bodies must follow a balanced approach. Certain countries should stop trying to be mentors to other sovereign States and instead focus on their own internal problems in promoting the human rights of their citizens. It was a matter of concern that the European Union delegation had not had the courage to analyse honestly and self-critically the human rights situation in some European Union member States.

28. **Mr. Shin** Dong-Ik (Republic of Korea) said that the ever-increasing acceptance that respect for human rights was a prerequisite for peace, security and sustainable development was particularly encouraging. The recent events in North Africa and the Middle East had reaffirmed that national governments must respect the human rights and fundamental freedoms of their people to maintain their legitimacy. Despite those positive developments, there continued to be numerous instances of human rights violations around the world, and the international community had yet to respond

effectively and responsibly to issues such as poverty, armed conflict, dictatorship and discrimination.

29. It had often called for an immediate end to serious human rights violations and prompt measures to ensure accountability. His country once again urged all Governments and entities concerned to heed that urgent call. In post-crisis countries, transitional justice was essential for the long-term process of state-building. Lasting stability and true reconciliation could be achieved only through firm commitments to accountability, respect for human rights and good governance.

30. Ways should be sought to further improve the human rights situation on the ground, while guaranteeing the effective implementation of international instruments and full respect for human rights mechanisms. While accession to the various human rights instruments was strongly recommended, it was equally important for States to respect and comply with international obligations and to cooperate truly with the relevant human rights mechanisms. In that regard, his country welcomed the completion of the first cycle of the universal periodic review, with all 193 Member States having been reviewed.

31. As a vital tool for narrowing the gap between standards and the reality on the ground, the UPR should not merely amount to a general review and criticism. The real test of its effectiveness would be in the second cycle, when implementation of the recommendations and improvements in national human rights standards were evaluated. The Republic of Korea attached great importance to the UPR process and would remain strongly committed to it. A firm advocate of human rights principles, the Republic of Korea had contributed significantly to strengthening international human rights mechanisms and reaffirmed its unwavering commitment to international cooperation to advance human rights and address violations around the world.

32. **Ms. Al-Raisy** (United Arab Emirates) said that her country had acceded to most human rights instruments and ratified nine International Labour Organization Conventions as well as the two Optional Protocols to the Convention on the Rights of the Child. Advances had been made in implementing workers' rights. An awareness-raising campaign had been conducted with the cooperation of relevant ministries to disseminate a culture of human rights, with particular emphasis on female workers and practical measures to communicate with the embassies of countries of origin.

33. The national report had been favourably received during the universal periodic review process, and the country was committed to implementing the recommendations made by the Human Rights Council, thereby bolstering its pioneering role in promoting and protecting human rights. To that end, in 2009 the Government had decided to establish a national commission for follow-up to periodic reports, involving a number of ministries and civil society organizations. The promotion of human rights as an international effort called for partnership, and the United Arab Emirates stood ready to assist any countries, particularly poor or developing countries or those in conflict situations, and assume a leading role in that effort.

34. Her country could meet immediate development needs or provide financial support for development projects and state or civil society investment in partner countries. It not only participated in international efforts to promote human rights, but also believed in the role of the Human Rights Council. As such, it had submitted its candidature for the period 2012-2015 and hoped for the support of friendly countries.

35. The Israeli occupation of Palestine and the three-year embargo imposed on Gaza were flagrant violations of international humanitarian law. The recent attacks against the flotilla bringing humanitarian assistance had been a further illustration of Israeli violations of the human rights of the Palestinian people. The United Arab Emirates insisted on the immediate lifting of the embargo, in keeping with international law, and the right of the Palestinian people to form an independent State.

36. **Mr. Rutilo** (Argentina) said that the guarantee of impunity caused by the legal and moral void in some societies was one of the main threats to human rights. The international community must send a clear message that serious violations of human rights must be investigated and punished wherever they occur. Argentina fully supported the work of Special Rapporteurs and recognized the valuable contribution of the International Criminal Court.

37. His country supported the work done by human rights defenders nationally, regionally and internationally, recognizing their vital contribution to

the promotion and protection of human rights and fundamental freedoms, and condemned all acts that directly or indirectly hindered that work. It urged Member States to scale up efforts to adopt the requisite measures to protect the lives, personal safety and freedom of expression of human rights defenders in line with domestic legislation and with the principles of international standards.

38. Concerning discrimination, homophobia and gender-based human rights violations deserved close attention and urgent debate. Argentina opposed discrimination on all grounds and welcomed the valuable work of the special procedures mandate holders. As a pluralistic State committed to eliminating all forms of discrimination, it was actively working to punish all acts of incitement to racial, religious or national hatred. Argentina also guaranteed the right to freedom of religious expression, considering that freedom of expression was a key element of any democratic society and that its restriction could be justified only by the protection of social interests or of the inalienable rights of the individual.

39. He wished to thank the special procedures mandate holders for their reports and endorsed the valuable dialogue with a variety of experts and representatives, which had been an opportunity for productive discussions. His country, together with France and Morocco, would again be introducing a draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance to commemorate the entry into force of that important instrument. The full implementation of the Convention would be a decisive step in the protection of human rights and the fight against impunity, and Argentina called on States that had not yet done so to ratify or accede to the Convention as a matter of priority.

40. **Mr. McLay** (New Zealand) said that within the United Nations system, it was vital to have a range of tools for the timely consideration of grave human rights situations. All States could benefit from regular engagement with periodic mechanisms like treaty bodies, special procedures and the universal periodic review, which were not only vital in providing transparent, impartial and constructive assessments and assisting States to identify priorities for action, but could also be utilized more proactively. In 2010, New Zealand had invited the Special Rapporteur on the rights of indigenous peoples to assess its performance and was currently working through the recommendations from his visit. New Zealand encouraged other States to embrace the opportunities that those processes could provide.

41. Recent global developments had had profound implications for the enjoyment of basic human rights in many countries. Ongoing economic difficulties had undermined opportunities and access to basic services in both the developed and developing worlds, hitting the most vulnerable hardest. States and donors must do all that they could to provide essential social services and guarantee economic opportunities. Despite the tenuous financial situation, New Zealand was among those countries that had continued to increase its aid budget in 2011.

42. The Arab Spring had had significant implications for human rights. The world had been inspired by the courage and determination of the youth to assert their basic human rights. The collapse of authoritarian governments had illustrated the perils of ignoring such demands as well as the tremendous power of social media as a catalyst for overcoming repression. Those changes had opened up possibilities for a new political order based on respect for human rights and the rule of law. However, they were fraught with risk and their outcomes uncertain in the absence of control mechanisms, restrictions and rules. It was therefore crucial for transitional authorities to take special care to protect the rights of their citizens, with the full support of the international community, end impunity for past violations and meet aspirations through an inclusive, transparent political process. Only then could the promise of those revolutions be fulfilled. Governments, even those with established human rights records, would do well to learn those lessons.

43. Demands for change that were forcibly repressed had visible consequences: the deterioration of the human rights situation in the Syrian Arab Republic and Yemen had attracted concerned international attention, including that of the Security Council. Intimidation was no solution; it only pushed the regimes and their countries to the brink of disaster. Immediate steps were required to end the bloodshed, guarantee citizens' basic rights and move truly towards the long-promised but still-awaited political transition. While the current turmoil meant new challenges to the enjoyment of human rights, it also presented the opportunity to establish new rules and relationships to advance shared human rights objectives. He reaffirmed New Zealand's

long-standing commitment to those values, at home and abroad.

44. **Ms. Rasheed** (Observer for Palestine), recalling the grim assessments by United Nations officials of the grave human rights violations committed by Israel against Palestinian civilians, said that Israel was in breach of its obligations under international humanitarian law as party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Israeli occupation was in no way a temporary condition, having lasted for more than four decades, and the occupying Power had paid no heed to the well-being of the Palestinians. Rather, its illegal acts and policies had taken full advantage of and had actually abused the people and its resources.

45. The countless violations ranged from the killing and maiming of Palestinian civilians to the wanton destruction of Palestinian homes and property. Cruel Israeli practices had increased poverty and deprivation in Gaza, compounded by the unlawful blockade despite widespread international condemnation. The most striking example of Israel's illegal action had been its fervent and unlawful campaign of settler colonies in the Occupied Palestinian Territory. All such activity was illegal, in breach of the Fourth Geneva Convention, relevant provisions of customary law and the Rome Statute of the International Criminal Court. It was also the greatest obstacle to peace.

46. Settler terror and violence against Palestinian civilians had increased by more than 50 per cent in the first half 2011 as compared to all of 2010. The constant threat of violence and destruction was a real danger and would further destabilize the volatile situation on the ground. That required immediate redress by the occupying Power, which must be held fully accountable for the acts of its settlers. Palestine continued to call on the international community to act with urgency to compel Israel to halt its illegal settlement activities, abide by its obligations, and genuinely commit to the pursuit of peace.

47. In 2011, the international community had witnessed history in the making in the Arab region, with millions taking to the streets demanding freedom, democracy and respect for human rights. It had supported those calls, and even intervened to ensure the protection of civilians. Palestinians had been struggling for those very ideals for forty years, only to have had their aspirations forcefully denied and their calls for protection ignored. Palestine once again urged the international community to demand that Israel comply with its international obligations. The international community must find the resolve to demand that Israel cease [illegible] and human rights violations, thereby allowing the Palestinian people to realize their inalienable right to self-determination and independence in a State of Palestine consistent with the 1967 borders and with East Jerusalem as its capital.

48. **Mr. Hadjimichael** (Cyprus), recalling that basic human rights and freedoms and the independence and sovereignty of Cyprus had been brutally violated by the Turkish military invasion in 1974, said that the continuing occupation of Cyprus' territory had denied Cypriots the right to peaceful coexistence for too long. The United Nations had adopted a number of resolutions in favour of Cyprus and calling on Turkey to respect its obligations under international law, which Turkey continued to flout by perpetrating massive human rights violations such as forcible division of the land based on ethnicity, mass expulsion of population groups from their homes, and denial of property rights. There had been a plethora of United Nations resolutions and rulings by the European Court of Human Rights condemning the violations and establishing Turkey's responsibility with regard to missing and displaced persons. Turkey persisted with a systematic and deliberate plan to alter the demographic composition of the island with a steady arrival of settlers in flagrant violation of the Geneva Conventions.

49. One of the tragedies of the invasion was the issue of missing persons, and Turkey's lack of cooperation in the return of the remains of missing persons had been recorded in reports by the Secretary-General. It was long overdue for Turkey to heed his call to adopt a more forthcoming approach. Cyprus had the highest proportion of internally displaced people (IDPs) as a percentage of its population in the world, and Greek Cypriot displaced persons continued to be deprived of their right of free access to and enjoyment of their properties.

50. There was a worrying escalation of violations of freedom of religion. Requests for conducting religious ceremonies were arbitrarily refused; churches and Christian monuments were wilfully desecrated, pillaged, destroyed, or converted into mosques. Negotiations between the Greek Cypriot and Turkish

Cypriot leaders, under the good offices of the Secretary-General, had been ongoing for three years. The success of those talks was contingent on the immediate end to the continued violation of human rights in Cyprus. The Government of Cyprus aimed to restore and uphold the human rights and basic freedoms of all its citizens. For that to happen, foreign occupation must come to an end, and United Nations resolutions must be honoured, which was vital for the credibility and moral standing of the Organization.

51. **Mr. Tziras** (Greece) said that, for 37 years, the human rights and fundamental freedoms of the people of Cyprus had been violated as a result of the Turkish military invasion and, regrettably, that deplorable situation had yet to be addressed despite the many Security Council and General Assembly resolutions on the issue. Greece welcomed progress made through the work of the bicommunal Committee on Missing Persons. However, most of the families of the missing remained without closure. A 2001 European Court of Human Rights ruling that Turkey had failed to investigate the fate of missing Greek Cypriots, which called on the country to address that issue, had gone unheeded.

52. Approximately 200,000 Greek Cypriots, denied their ancestral homes and the right to exercise legal property rights, were refugees in their own country, and the illegal sale of Greek Cypriot property to foreigners had exacerbated the problem. The influx of Turkish settlers in occupied areas was a violation of the Geneva Conventions. The measures recently taken to protect the educational and religious rights of enclaved Greek Cypriots had been too late. Their numbers had already fallen to 500 from the 25,000 in 1974, and they continued to be denied full protection of human rights while their cultural and religious heritage had been pillaged, damaged or destroyed. Greece fully supported the bicommunal reunification negotiations between the leaders of the two communities and looked forward to the conclusion of a viable, functional and comprehensive agreement, in accordance with the relevant Security Council resolutions and the values of the European Union.

53. **Mr. Shakirov** (Kazakhstan) said that in the 20 years since independence, Kazakhstan had made built a democratic, secular State that respected the rule of law and had become part of the international community. His country had been elected to chair the Organization for Security and Cooperation in Europe in 2010, which was a clear recognition of its achievements, and had submitted its candidacy to the Human Rights Council for 2012-2015 and was counting on support. Ten years on from the Durban Declaration and Programme of Action for eradicating racism and xenophobia, the phenomena of social stigmatization and blatant violations meant that the issue was still on the global agenda. With over 100 ethnic groups in Kazakhstan, much attention had been given to inter-ethnic and inter-religious harmony. Since 2003 the capital city had hosted three international congresses bringing together religious leaders and promoting peace through dialogue.

54. Significant progress had been made in human rights. The country had submitted its national report on implementation of the International Covenant on Civil and Political Rights. The Human Rights Committee had put forward 31 recommendations, which were actively being implemented. Various Special Rapporteurs had visited the country, and Kazakhstan was following up on their recommendations. Many of those recommendations had underpinned its legal policy for 2010-2020, leading to a more humane approach to penal law and judicial reform and public monitoring of the activities of government agencies.

55. There had been a significant improvement in protecting citizens' rights in judicial proceedings, including the introduction of trial by jury and juvenile courts. Gender equality measures had been taken to ensure equal opportunity and a law on mediation had been enacted. Those achievements showed that the measures to promote and protect human rights had been effective. Kazakhstan would remain committed to that process and its adaptation to current needs and international standards.

56. **Mr. Ang** Choo Pin (Singapore) said that his country supported the Chair's interim ruling, which was based on the principle that Member States representing major groupings should speak before observer delegations representing major groupings. The world was facing a long list of challenges, and peace and prosperity remained elusive. History had shown that, in turbulent times, opportunities for change could be found and political will mustered to overcome common challenges. All States had a duty to provide good governance to enable growth and meet aspirations for decent living conditions and the enjoyment of rights. However, each State charted its own course — it could not be imposed by external actors. While it was

true that how a State treated its citizens was no longer its exclusive domain, it would be fallacious to assume that other countries could effect change if the people of the State concerned were not ready or willing to change.

57. **Singapore had a pragmatic and realistic approach towards human rights**: they did not exist as a utopian ideal and could not be separated from historical, religious and socio-cultural contexts. Each State was responsible for deciding how to reconcile competing interests and rights, and change must necessarily be guided by the interests of the people, the balance of rights and obligations and the country's geographical, demographic and social constraints. What the Arab spring had shown was that real and lasting change had to emanate from within.

58. International consensus on human rights could only be found when the diversity of humankind was recognized and the free interaction of all ideas accepted. The ASEAN Intergovernmental Commission on Human Rights was in the process of drafting a declaration on human rights, which it was hoped, would contribute to a meaningful global human rights debate conducted with humility. Nothing could be gained from the forceful imposition of one region's human rights norms on another's. Unfortunately, humility was often lacking in the work of the Committee, as discourse in New York and Geneva was bogged down in domestic politics and simplistic reductionism. It was possible to do better, and it was in the interest of the international community and individuals to encourage and respect a plurality of voices and viewpoints.

59. **Ms. Thakur** (India) said that observance of human rights was at the core of any civilized society and the right to development was a fundamental component of human rights. The changing global context had necessitated a well-coordinated approach to development cooperation, and a global human rights-based partnership was the best foundation.

60. Terrorism was one of the major threats to full enjoyment of human rights, violating the most fundamental right of victims — the right to life. It was also an attack on democracy, human dignity and development. Though a Government's first responsibility was to protect its people, it must be mindful of the responsibility to protect human rights, striking a balance between effectively tackling terrorism and fully observing international law. No country was isolated from the global threat of terrorism, and a collective effort was required to ensure that the human rights debate was not abused to pursue narrow political agendas or to fulfil territorial ambitions.

61. **With regard to contract farming and its associated risks and constraints**, States did have a key role to play in protecting individuals against the risks of contract farming and ensuring the right to food of small producers and the poor. National efforts, however, must be complemented by international cooperation, which was indispensable for sharing the burdens and benefits of globalization. Reform of global economic governance was thus vital and must take into consideration the enhanced participation of developing countries, least developed countries (LDCs) and civil society in global decision-making to be more conducive to equitable and sustainable development respectful of human rights. A number of countries owed more than 50 per cent of their total debt to export credit agencies, which often aggravated the sovereign debt liability of Governments and had serious consequences on sustainable development. A concerted international effort was therefore necessary to consider the unintended ramifications of actions.

62. India thanked the Secretary-General for his country-specific reports including a report on the human rights situation in Myanmar and welcomed its neighbour's ongoing efforts at political, economic and social reform as well as its convening of the National Parliament and elected assemblies. India stood ready to share its parliamentary experiences — it had invited the Speaker of the Lower House of Myanmar's Parliament to lead a delegation in December 2011 and the Prime Minister had offered all necessary assistance in strengthening the transition to democracy.

63. India's democratic, pluralistic and secular polity, its independent judiciary, media and human rights institutions and vibrant civil society illustrated its success in effectively guaranteeing the protection and promotion of human rights. As the world's largest democracy, India considered it an honour to uphold the values of human rights and fundamental freedoms for all and would never cease to do so.

64. **Mr. Starčević** (Serbia) said that no country had a perfect record of protection and promotion of human rights. Since the democratic changes in 2000, Serbia

had been undergoing comprehensive legislative and institutional reforms, particularly in the field of human and minority rights, with palpable results. He wished to draw the Committee's attention once again to the deteriorating human rights situation in the Province of Kosovo and Metohija. There were still significant problems and limited progress with regard to the rights of Serbian and non-Albanian populations, particularly with respect to the return of displaced persons and the protection of returnees. The unilateral declaration of independence of Kosovo in 2008 further diminished the possibilities for substantial improvement of human rights.

65. Statistics showed that of the 250,000 Serbs, Roma and non-Albanians forced to leave Kosovo in 1999, less than 10 per cent had returned, and many of those who did return home often faced administrative obstacles and obstructions to property return and hostility from local populations. Of the 437 communities formerly inhabited by Serbs, 312 had been ethnically cleansed. In the 12 years that Kosovo had been under United Nations administration, there had been 7,000 registered physical attacks, in which 1,037 Kosovo Serbs and non-Albanians had been killed and 1,818 severely injured. The perpetrators of ethnically motivated crimes were rarely, if ever, brought to justice, and any investigations instituted were usually abandoned for lack of evidence.

66. There was an overall culture of impunity for war crimes or organized crime. A weak and inefficient witness protection system resulted in intimidation and harassment, and sometimes the murder or suspicious deaths of witnesses in cases against important figures. He quoted extensively from a report describing the problem that had been submitted to the Parliamentary Assembly of the Council of Europe in January 2011. Those were some of the most grievous examples of systematic human rights violations to which non-Albanians were subjected; and there were many other examples of breaches of their economic, social and cultural rights which could be found in numerous reports submitted by the Secretary-General and prominent international organizations.

67. Of major concern to his Government was the Council of Europe report entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo", submitted by the Rapporteur Mr. Dick Marty, which contained serious allegations of unprecedented crimes occurring during and after the conflict in 1999. That report, which had mentioned violations including abductions, torture, forced surgery and removal of the internal organs of murdered abductees for sale on the international black market, prompted one by former Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston. It had been obvious from those reports that severe abuses had occurred and should be criminally investigated and that there had been a deliberate lack of cooperation from the Albanian authorities.

68. The Serbian War Crimes Prosecutor had instituted pre-trial proceedings, but requests for cooperation with their Albanian counterparts had gone unanswered. Subsequent to approval of the Marty report, the European Union Rule of Law Mission in Kosovo (EULEX) had expressed its readiness to investigate the allegations therein and prosecute the perpetrators. Preliminary investigations had borne little concrete results owing to an inadequate witness protection programme and the fact that the special investigation team had only recently become operational.

69. Despite that, the Serbian Government welcomed the role of EULEX and stood ready to cooperate with the investigation team. EULEX, however, had neither the mandate nor the jurisdiction to conduct a comprehensive investigation. The lack of cooperation called for a firm legal basis for the investigation and prosecution of the crimes: that was where the role of the United Nations was crucial. The issue of trafficking in organs needed further clarification and, given the seriousness of the allegations in the Marty report, should not be regarded solely as a Serbian problem, but as a global concern.

70. The proper investigation of organ trafficking was part of the bigger issue of discovering the fate of those who had gone missing, and Serbia was convinced that that was an important part of the reconciliation process between Belgrade and Priština. Several rounds of talks had begun to bear fruit before unilateral provocation by Priština had interrupted the dialogue and worsened the security situation for the population in the north of Kosovo. He reaffirmed Serbia's commitment to resolving all outstanding issues through genuine dialogue and a spirit of compromise, which was the only way to achieve sustainable solutions.

71. **Mr. Momen** (Bangladesh) wished to voice his country's reservation to the approach taken by the Special Rapporteur on the right to health in his report

(A/66/254), where the issue of abortion had been arbitrarily addressed. Other reports had also given undue weight to issues that were not universally accepted rights, and those efforts might be construed as deliberate attempts to shift focus from more serious human rights issues.

72. The Constitution of Bangladesh, embodying the principles and provisions of the Universal Declaration of Human Rights, guaranteed the fundamental rights of all citizens and had special provisions to ensure the rights of women, children and minorities. The Declaration on the Right to Development was of high priority to his Government, which deemed that human rights and development should go hand in hand in order to achieve success. The right to development should be viewed as a human right. Bangladesh was party to all the universal human rights instruments — a testimony to its commitment to promoting and protecting human rights — and regularly reviewed domestic legislation to bring it in line with the various instruments.

73. In August, Bangladesh had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Migrants were valuable for countries of origin and destination, and any measure to discriminate against or stigmatize them would have negative effects on society in the long run. His country complied with treaty body reporting obligations and had been a member of the Human Rights Council since 2006, where it remained engaged in constructive dialogue with the international community. There was still much to be done to guarantee fundamental human rights for all, and the importance of human rights education could not be overemphasized. Nevertheless, despite the many challenges facing it, including limited resources and capacity, Bangladesh was committed to protecting and promoting human rights.

74. **Ms. Salman** (Malaysia) said that Malaysia had a holistic approach to human rights and believed that all countries must promote and protect them while respecting national and regional particularities and cultural, social or political circumstances. In an increasingly globalized world of shared values, it was important to ensure that all rights — not only civil and political, but also economic, social and cultural rights — were enjoyed by all. The current international trend of politicizing human rights had not served their cause.

75. The promotion and protection of all human rights had been a fundamental principle since Malaysia had become a sovereign nation, and the Constitution guaranteed the basic human rights as enshrined in the Universal Declaration. As a racially and religiously diverse society, Malaysia had to ensure that individual rights did not impinge upon community rights, and tolerance was crucial to maintaining the unity in diversity that had always been the country's strength.

76. Specific human rights legislation such as the Child Act 2001 and the Persons with Disabilities Act 2008 had been enacted in the country's legal framework as part of efforts to promote and protect human rights and to comply with international instruments in that area. In 2010, Malaysia had withdrawn reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child. In 2011, the Government had agreed to accede to the Optional Protocols to the Convention on the Rights of the Child and was examining the possibility of acceding to various other international human rights instruments by establishing specific technical subcommittees.

77. Further demonstration of the country's commitment was the establishment in 1999 of the Human Rights Commission of Malaysia, an independent body empowered to investigate complaints of human rights violations and mandated to raise awareness of human rights through education. Malaysia recognized the right to development, but believed that the purpose of development was to create an environment enabling all citizens to enjoy long, healthy lives. Economic growth alone could not guarantee social harmony.

78. In September, the Prime Minister had announced the abolition of the controversial Internal Security Act, which had aimed to prevent subversion and organized violence through preventive detention. Two new laws would be drafted to replace it and would aim to maintain peace and well-being on a par with other modern and progressive democracies. Malaysia was committed to attaining the lofty goal of high human rights standards for all and was ready to work constructively with other Member States.

Statements made in exercise of the right of reply

79. **Mr. Butt** (Pakistan), speaking in exercise of the right of reply, said that Pakistan attached great importance to the promotion and protection of all human rights. That was evidenced by it's being a State party to seven core instruments and by its regional, national and global efforts to protect human rights, which had been detailed in an earlier statement. Pakistan was constrained to reply to unwarranted remarks concerning the blasphemy law in the country — a law that had been written under the British Raj to ensure inter-faith peace. There had been a minor amendment during the 1980s, and the matter was under cognizance of the Parliament of Pakistan. Any attempt to use it to stir up conflict amounted to needless baiting, which everyone could do without.

80. **Mr. Jawhara** (Syrian Arab Republic) said that certain Member States conducted virulent campaigns in the name of protecting civil and human rights, but would not admit that there were armed terrorist groups in the Syrian Arab Republic. Those States were themselves on black lists when it came to human rights — everyone had heard about human rights violations and massacres in Viet Nam, Laos, Cambodia, Algeria and former African colonies; the torture and degrading treatment in Abu Ghraib and Guantánamo. His country was at the centre of an explosive region as a result of colonial policies and Israeli occupation and had also suffered political social and economic problems.

81. While certain countries in Africa, Asia and Latin America might give advice, the Western powers had no lessons to impart to his Government. They themselves had invented new ways of violating human rights law. The United States needed to stop giving lessons — it was already isolated within the United Nations as 186 countries had voted against its blockade of Cuba. Norway had no colonial history, so he urged that country not to pander to colonial powers' manoeuvres or fall into the trap of politicizing human rights. Europe had been behind black slavery and its human rights record was far from glorious. It currently violated the rights of Romas and of Muslims, who had to pray in garages because there were no mosques in European capitals. The European Union pillaged resources in developing countries and was not there to promote rights, but to violate them.

82. **Ms. Alkhalifa** (Bahrain) thanked the European Union for its understanding of the serious and positive measures taken by the Government, notably the establishment of the independent commission of inquiry. She wished to reaffirm that the hopes expressed that the commission's findings would meet the needs of the people was one of the Government's priorities. It had been given complete freedom to interrogate anyone without interference. With regard to the prosecution of perpetrators, she reminded the representative of the European Union of the Prosecutor's decision to hand perpetrators over to civilian courts, which should allay any doubts as to the legality of the procedures. That had been welcomed by the Secretary-General and experts alike.

83. The Government would pursue national reconciliation in accordance with the Constitution and international instruments. It had been emphasized that there had been a series of violations against opposition leaders and calls for investigation. The Government had taken every possible measure, without any external request to do so, that would ensure respect for human rights commitments. All measures had aimed to protect the rights of the accused and to further reconciliation.

84. **Ms. Camino** (Cuba) said that she had listened to the representative of the United States of America reel off a long list of countries of the South where human rights were allegedly violated. The United States had no moral grounds for judging Cuba, particularly as it had been responsible for grave human rights violations such as secret CIA flights on which abducted prisoners were tortured and the atrocities perpetrated in Guantánamo, Cuban territory that was illegally occupied by that country.

85. Cuba defended the right of all to hold peaceful demonstrations and protected human rights defenders in accordance with the Declaration on Human Rights Defenders. The campaign against Cuba resorted to political manipulation in which facts were distorted, fake scenarios were mounted for the media multinationals and protection was given to anti-Cuban terrorists. No one had ever been or would ever be arrested or persecuted in Cuba for peacefully expressing opinions or exercising their right to freedom of association — rights that were enshrined in Cuba's Constitution and upheld by international law.

86. The United States had lied when it had said that the citizen detained was a USAid worker who had

simply tried to contact the Jewish community. He had been on a covert operation and had committed crimes that were also punishable under United States law. The economic embargo against Cuba was the main obstacle to the full enjoyment of human rights for all Cubans and the General Assembly had shown support for Cuba by recommending that the embargo should be lifted.

87. **Mr. Thomson** (Fiji) reiterated Fiji's unwavering commitment to fulfilling in good faith its obligations under the Charter, based on the fundamental principles of sovereignty, territorial integrity and non-interference in domestic matters. Fiji would hold free and fair general elections in 2014 — for the first time in the nation's history without regard to race. At a recent high-level meeting, leaders from 12 Pacific countries had signed a communiqué reaffirming Fiji's Strategic Framework for Change and Roadmap as a credible home-grown process for repositioning Fiji as a modern nation State. The Roadmap provided for the drafting of a new constitution to do away with the divisive racial categorization of former constitutions and was a determined move to create a society based on real equality and justice, respect for the dignity of all and a sustainable democracy. Fiji gratefully acknowledged the many offers of assistance from the international community to achieve the Roadmap goals.

88. Recognizing that it was Fiji's responsibility to devise and deliver its own version of sustainable democracy, he admitted that there would be waypoints when Fiji could benefit from those offers of assistance. Fiji trusted that its trading and development partners, old and new, would provide the understanding and assistance needed to ensure that true and sustainable democracy could take root. His country had taken heart from recent assurances of support.

89. **Mr. Kohona** (Sri Lanka) said that his country was more than aware of the need to pursue the political reconciliation process, and the Government was doing just that. It had thus established the Lessons Learned and Reconciliation Committee with a broad mandate to examine all aspects of the conflict. It had been set up less than 18 months after the conflict, bringing to an end a dark era of endless terrorist violence. Its report was expected in mid-November 2011, and the Government had confirmed that it would be submitted to the Parliament, so that implementation would have broad support.

90. To continue to call for an independent investigation smacked of paternalistic condescension and was inconsistent with the established principles of international law, which required a sovereign State to deal with human rights infractions itself. Sri Lanka was fully conscious of the need to comply with that requirement. As to the panel of experts set up by the Secretary-General, it had been repeatedly stated that the Government did not consider the panel's report to be fair, equitable or consistent with established fact; many academics saw it as seriously flawed. It was mystifying what underlying sources of conflict remained in Sri Lanka, and it was difficult to address such allegations unless they were described more coherently.

91. The Government had taken a range of measures: the resettlement of approximately 300,000 displaced persons, the rehabilitation and return of some 10,000 former combatants and approximately 600 child soldiers, and the expenditure of billions of dollars to restore the economy, all in a mere 30 months. Sri Lanka would continue to do what was necessary to restore peace and prosperity and what was best for its future. It was unfortunate that domestic political imperatives continued to drive a selective and discriminatory application of international standards, which led to diluted respect for those standards.

92. **Mr. Jang** Il Hun (Democratic People's Republic of Korea) said that his delegation totally rejected the politically motivated and groundless allegations made by the European Union, the United States, Japan and some other Western countries. Those allegations had nothing to do with the genuine protection and promotion of human rights, as none of those violations had occurred in the Democratic People's Republic of Korea.

93. It was well known that the United States was a hotbed of human rights violations. Rampant under the Statue of Liberty were violent crimes, racial and sexual discrimination, torture and maltreatment of minorities. The United States had also killed hundreds of thousands of innocents abroad under the guise of a war on terror. The European Union was joining the United States in an attempt to bring pressure to bear on his country in the name of human rights and had no moral authority to criticize the human rights situation there. Instead of naming and shaming other countries, it would do well to examine the poor human rights

record, marred by violence, discrimination and other infringements, of its own member States.

94. With regard to the draft resolution against his country referred to by the European Union, his Government had stated repeatedly that it was totally unacceptable and that it would not succumb to that pressure. His delegation also rejected the preposterous allegations by Japan concerning abductions. That issue had been completely resolved as a result of sincere efforts to implement the 2002 Pyongyang Declaration. If there were any abduction cases to be discussed, those would concern the 8.4 million Koreans forcefully abducted by Japan during its 40-odd year military occupation of his country. Japan should make up for its crime-ridden past. Its fuss over the abduction issue was to divert public opinion from its responsibility to apologize to and compensate the victims of its crimes against humanity.

95. **Mr. Budak** (Turkey) said that, since the accusations by the representative of Greece were misleading, he had no choice but to refresh his colleague's memory with regard to the dates of the conflict. If, indeed, Turkey had decided to invade and occupy Cyprus unprovoked in 1974, one would wonder why the United Nations had deployed peacekeeping forces on the island as early as 1964 to stop attacks by Greek Cypriots against Turkish Cypriots. The Greek Cypriot policy of intimidation and forced expulsion was still vividly remembered. Some 180,000 Turkish Cypriots had been forced to live in enclaves covering only 3 per cent of the island.

96. The representative of Greece had conveniently failed to mention the notorious ethnic cleansing plan drafted by the Greek Cypriot leadership at the time to deprive Turkish Cypriots of their constitutional safeguards and subjugate them through reunification with Greece — in other words, the aim had been to hijack the State of Cyprus. It should also be remembered that an objective of the 1974 coup instigated by the military regime in Greece had been to annex Cyprus. It was to counter that coup that Turkey had finally intervened, after an eleven-year wait, as a guarantor Power acting within its rights under a 1960 agreement to prevent the annexation of the island. The Turkish intervention had not been the beginning of the problem, but an inevitable consequence after nearly 20 years of acts of provocation perpetrated by the Greek Cypriots.

97. Turkish Cypriots currently lived in unacceptable isolation imposed by the so-called recognized State. The human rights of Turkish Cypriots were being violated at that very moment by numerous harsh restrictions imposed by the Greek Cypriots. It was hoped that the international community would give full support to Turkish Cypriots by engaging in direct commercial, social and cultural contact with them without further delay. Turkey was ready to look ahead and it had encouraged Turkish Cypriots to vote in favour of the 2004 European settlement plan. In keeping with its constructive stance, it had encouraged both sides to come to a fair and lasting agreement as early as possible on the basis of the well-established United Nations parameters in that regard.

98. The according of equal status to the two peoples and the continuation of Turkey's effective guarantee would constitute the basis for the solution. The halting of the isolation of Turkish Cypriots and the ensuring of equal treatment of both sides by the international community would surely contribute to reaching a comprehensive settlement, to which Turkey was committed.

99. **Mr. Kodama** (Japan), referring to the previous statement by the representative of the Democratic People's Republic of Korea, that the issue of the abduction of Japanese citizens had been resolved, said that his delegation wished to set the record straight so that the Committee could fully appreciate the gravity of the outstanding issue of abduction and not be misled by that statement. In 2004, when the then Japanese Prime Minister had made his second visit to the Democratic People's Republic of Korea, the latter had agreed that all five members of the families of the abducted victims could return to Japan and that it would promptly start a new investigation to provide a thorough report on the abductees, whose safety was in question.

100. However, at subsequent working-level consultations between the two parties, no concrete evidence had been provided. In August 2008, both sides had agreed on the overall objectives and concrete modalities of the abduction investigation at bilateral working meetings, only for the Democratic People's Republic of Korea to inform Japan subsequently of the suspension of investigations. Since that sudden announcement, Japan had had no further information, and no action had been taken by that country.

101. Japan urged the Democratic People's Republic of Korea to move forward and make good on its promise by commencing the investigation without delay. He would appreciate the understanding and support of all delegates in resolving the abduction issue. With regard to Japan's past, the figures presented were completely groundless. Japan had been facing up to its past with sincerity and consistency since the end of the Second World War. For more than 60 years, it had consistently dedicated itself to promoting international peace and prosperity and demonstrating its respect for democracy and human rights.

102. **Mr. Jang** Il Hun (Democratic People's Republic of Korea) said his delegation once again rejected yet another distorted and misleading statement by Japan. As he had mentioned earlier, his country had faithfully implemented all the agreements. All survivors had returned home, and all information concerning the deceased had been conveyed to Japan. His Government had done all that it could, but what had Japan done? There had been no mention of Japan's role in the agreement. In fact, it had gone against all the agreements, and so nothing more remained to be done. Concerning the past, the representative of Japan had said that the numbers cited were unsubstantiated, but it was a historical fact that Japan had committed grave crimes against humanity.

103. **Mr. Kodama** (Japan) said that his delegation could not accept the position put forward by the representative of the Democratic People's Republic of Korea concerning the issue of the abductions and Japan's past.

The meeting rose at 6.10 p.m.

United Nations A/C.3/66/SR.35

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Held at Headquarters, New York, on Thursday, 27 October 2011, at 10 a.m.

Chair: Mr. Zelioli (Vice-Chair) ..... (Italy)

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In the absence of Mr. Haniff (Malaysia), Mr. Zelioli (Italy), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/66/87)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/66/156, 161, 203, 204, 216, 225, 253, 254, 262, 264, 265, 268-272, 274, 283-285, 289, 290, 293, 310, 314, 325, 330, 342 and Add.1, and 372)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/267, 322, 343, 358, 361, 365, 374 and 518; A/C.3/66/2)

1. **Mr. Ri** Tong Il (Democratic People's Republic of Korea) said that respect for national sovereignty was essential in dealing with human-rights issues, as the relevant laws and policies of the sovereign countries concerned guaranteed the human rights of people under their jurisdictions. The massive killings of innocent civilians in Afghanistan, Iraq and occupied Palestine were proof of the human-rights violations that resulted from infringements upon national sovereignty. Moreover, politicization, selectivity and double standards must be avoided in addressing human rights situations.

2. Politically motivated country-specific resolutions continued to be adopted, only aggravating confrontation and distrust. Western values could not be the only criterion for human rights in a diverse world, and using human-rights issues to topple the political systems chosen by the people of the targeted countries was itself a violation of human rights. Past human-rights violations must also be addressed. During its military occupation of Korea in the previous century, Japan had committed genocide and the unprecedented human-rights violation of forcing thousands of women from Korea and other Asian countries into sexual slavery as "comfort women". Japan should follow the precedent set by other nations with colonial histories and express sincere apologies and compensate its victims.

3. The people-centred concept of Juche, under which human rights were inviolable and sacrosanct, was the guiding principle of all State activities. His Government therefore spared no effort to ensure its people's exercise of their human rights, as demonstrated by its recent adoption of laws on the promotion of women's and children's rights the previous year and would continue to improve the human-rights situation, in fulfilment of its international obligations.

4. **Mr. Al-Obaidi** (Iraq) said that the Government of the new, post-Saddam Iraq attached the utmost importance to promoting human rights. Its actions to that end included adopting a national plan on human rights, taking into account all the recommendations made by countries in its universal periodic review the previous year, and implementing policies that fostered tolerance, multiculturalism and freedom of religion and belief. His Government also investigated and worked to rectify human-rights violations committed against minorities by terrorist groups, reporting them to specialized agencies. Areas that had been rendered unstable in previous years by terrorist activity from within and outside Iraq had recently been secured by the Government.

5. Iraqi legislation guaranteed freedom of thought, conscience, religion and belief and provided means of recourse in the event that those freedoms were infringed upon. No person under the jurisdiction of the Iraqi Government could lose their right to life, freedom or personal security or be tortured, arrested, arbitrarily detained or lose his job or housing because of his religion or belief. Any violations of those legal guarantees were prosecuted. Moreover, the Iraqi Government prohibited laws that encouraged religious hatred, discrimination or violence, and had established an endowment for Christianity and other religions to protect non-Muslims.

6. The new Iraq was working to fulfil its obligations under international human-rights covenants and treaties and bring national legislation into line with those instruments. Sectarian violence and terrorist attacks carried out by Al-Qaeda and other groups had undermined his Government's human-rights policy, hence its redoubled efforts to stem the tide of violence and the displacement of Iraqis of all walks of life. Iraq had tackled the ensuing displacement crisis by providing financial and food aid to the displaced, including Iraqis who had fled the country, in order to facilitate their return.

7. Measures adopted by Iraq to create a culture of human rights included the establishment of a national monitoring system to detect human-rights violations. A national policy of accountability and justice aimed to counter Saddamism, a vestige of the former, dictatorial regime that glorified the use of violence to solve problems and that, like Nazism, could not be extirpated overnight. His Government fully appreciated the support of the international community in rebuilding Iraq and establishing democratic institutions and would continue to strive to meet all its human rights obligations.

8. **Ms. Poussi** (Burkina Faso) said that human development required the State to take a proactive approach to promoting human rights. To that end, her Government had put in place several legislative and regulatory measures, policies and programmes in order to reinforce civil and political rights and to improve the exercise of economic, social and cultural rights. Significant gains had been made since the 2001 adoption of a national policy on human rights, though more remained to be done. That framework document would be revised and put into practice by an initial action plan for the years 2013 to 2015.

9. A number of measures had been taken to guarantee the right to non-discrimination and to equality before the law, particularly in the areas of the administration of justice, employment, health, education and civic participation in managing public affairs. Judicial reform was under way in the form of increases in the number of national areas of jurisdiction and legal officials, and review of texts on legal aid. Open houses on justice-related matters were held regularly to educate the public on legal institutions.

10. The rights to life and physical and moral integrity were also protected by a series of laws and regulations. Her country had signed the moratorium on the death penalty in 2007 and was working to abolish it altogether. A party to the Convention against Torture since 1999, Burkina Faso had ratified its Optional Protocol in 2010 and was in the process of establishing a national preventive mechanism. A national human-rights commission was authorized to visit detention centres and other locations to prevent torture and other cruel, inhuman or degrading treatment or punishment. Despite her Government's attempts to raise awareness of and combat the incidence of torture, prison overpopulation gave cause for major concern.

11. The plurality of the media in her country attested to Government efforts to create an environment conducive to exercise of the rights to information and freedom of expression. The State also funded the activities of political parties in order to facilitate their participation in public affairs and set quotas for female participation in elections and political life in general.

12. Despite its limited resources, her Government was working to ensure the enjoyment of economic, social and cultural rights by guaranteeing the regular payment of salaries and the right to work; providing national health coverage and enhanced medical care; allocating a fifth of the national budget to education and expanding academic offerings, including literacy education for non-traditional students. Poverty-reduction efforts had also been undertaken, under a national strategy on accelerated growth and sustainable development.

13. With regard to women's rights, Burkina Faso was working with civil society to promote income-generating activities involving women. The Government had also provided over 1 million children with birth certificates, with a view to ensuring their legal protection. Awareness-raising campaigns were under way to dispel negative perceptions of persons with disabilities, against whom discrimination persisted despite her country's accession to the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the passage of related national legislation. In closing, reiterating her delegation's commitment to the exercise of all human rights, she pointed out that Burkina Faso would welcome visits from the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

14. **Mr. Ferami** (Islamic Republic of Iran) said that the international community must consider religious and national specificities and cultural diversity in its efforts to counter the rapidly growing trends of racism, racial discrimination, xenophobia and related intolerance threatening some societies. It was regrettable that those phenomena were increasingly targeting Islam and Muslims in particular. Cultural rights should not provide the right to exacerbate differences, which could lead to violence; instead, they should serve to promote and celebrate cultural diversity, which was a condition for peace.

15. Despite repeated affirmations of the universality, indivisibility, interdependence and equality of all human rights, the existing international order was characterized by selectivity and economic and political exploitation. Political considerations should not affect the promotion and protection of human rights, especially as urgent situations in the Middle East and elsewhere called for action. The unilateral sanctions imposed by certain countries on developing countries, in contravention of international law, violated the latter's inalienable right to development and to choose their political, economic and social systems.

16. Such measures must cease immediately if the right to development was to be fully realized. With one-third of the world's population living in abject poverty and thus unable to exercise their basic human rights, the human-rights machinery must take up poverty alleviation as a central aim, and the brunt of that task should be borne by States that used the labour force and human resources of others. Unless the majority of the world's population was able to reap the benefits of globalization — as only a privileged few were currently doing — the freedom to live in dignity would remain a dream.

17. The Office of the High Commissioner for Human Rights should work in a wholly unbiased and independent manner, within the human-rights framework established by the Human Rights Council, the main United Nations human-rights body, avoiding insistence on human-rights standards that were not yet internationally recognized. The Islamic Republic of Iran had enjoyed a good working relationship with the Office and had initiated a number of human-rights dialogues with some countries, including States members of the Non-Aligned Movement and the Organization of Islamic Cooperation.

18. No improvement in human-rights situations would be brought about by naming and shaming specific countries or by adopting resolutions targeting them. However, as it had become an established practice to pin-point certain situations, he wished to draw attention to human-rights violations in some of the self-proclaimed "clean" countries of the world. Racism and racial discrimination continued to plague European and other Western countries, and Islamophobia was one of its manifestations, as evinced by the outrageous Qur'an-burning incident. Regrettably, some European Governments had not only failed to address Islamophobia, but had also imposed restrictions on Islamic cultural expression and spoken out against multiculturalism, thereby aggravating the existing anti-Muslim sentiment and the situation of their Muslim minorities.

19. The United States of America granted unconditional support to the Zionist regime and its crimes, and was responsible for various other crimes, including the killing of civilians by unmanned drone attacks, as noted by the Special Rapporteur on the promotion and protection of human rights while countering terrorism, establishing secret detention centres throughout the world and using inhumane interrogation methods on detainees.

20. For its part, the United Kingdom of Great Britain and Northern Ireland was responsible for human-rights violations within its territory and abroad, where its foreign policy had directly or indirectly flouted human-rights norms. According to reports from United Nations special procedures mandate-holders, Canada had violated the human rights of its own indigenous and other minorities, a fact all the more shocking given that country's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples. In the final analysis, improvements in human-rights situations would result not from words or resolutions, but instead from cooperation and development.

21. **Ms. Mballa Eyenga** (Cameroon) said that her Government would spare no effort in heeding the aspirations of its people where human rights were concerned, despite the difficulties besetting all States as a result of the global economic and financial crises, natural disasters and climate change. Effective ownership of human rights depended on human-rights education, which provided the best means of creating a culture of peace and thereby fostering sustainable development. In its ten years of existence, the Subregional Centre for Human Rights and Democracy in Central Africa had made a significant contribution to human rights education through its outreach activities, which had benefited Government officials and civil actors alike.

22. The Centre had helped build the capacity of national human-rights institutions in the subregion to function in accordance with the Paris Principles, in addition to increasing the engagement of several Central African countries with human-rights mechanisms and improving cooperation between Governments, civil society and the population of the

subregion. Cameroon's collaboration with the Centre had been particularly fruitful throughout the universal periodic review (UPR) process, over the course of which Cameroon had accepted 41 recommendations and adopted a road map and timeline for their implementation. The Centre had helped organize a briefing for Cameroon's technical and financial partners on actions taken by the country to implement the UPR.

23. The Centre must continue to receive the necessary financial and human resources to carry out its work and meet the needs of the region. Her country welcomed the appointment of Ms. Maarit Kohonen-Sheriff as head of the Centre in 2009 and hoped that additional high-level posts would be created. Lastly, she hailed the Centre's partnerships with United Nations agencies and subregional organizations, and expressed special thanks to Cameroon's development partners for their financial contributions to the Centre.

24. **Mr. Mnisi** (Swaziland) said that, as a developing country, Swaziland believed that the international community should pay more attention to economic, social and cultural rights such as the right to life, the right to food and the right to the highest attainable standard of physical and mental health. Human development and human rights should reinforce each other conceptually and in practice in order to secure the well-being and dignity of all people. A party to several core human-rights instruments, his country had enshrined the rights contained in those instruments and in the Universal Declaration on Human Rights in its Constitution. Furthermore, Swaziland was currently in the process of ratifying the Convention on the Rights of Persons with Disabilities.

25. Out of its respect for international law, the Charter of the United Nations and the sovereign equality of all States, his Government did not encourage the adoption or implementation of unilateral measures that were not in accordance with the international legal framework or with the norms and principles governing peaceful relations among States. Swaziland's recent participation in the universal periodic review mechanism of the Human Rights Council had provided an opportunity to assess the country's achievements and remaining challenges in promoting human rights, as well as to share best practices and continue improving the situation on the ground.

26. Noting with dismay the casting of undefined notions such as personal sexual preferences, interests and behaviours as new human rights whilst discrimination based on race, gender, religion, creed, age and disability persisted and required more attention, he stressed that such notions fell outside the internationally agreed human rights legal framework and constituted expressions of disregard for the universality of human rights. In light of the need to respect cultural diversity in respect of the Universal Declaration of Human Rights, special procedures mandate-holders should adhere to their respective mandates and the code of conduct adopted by the Human Rights Council.

27. **Mr. Le** Hoai Trung (Viet Nam) said that his country highly appreciated the role of the Human Rights Council as a forum to promote dialogue and cooperation. The promotion and protection of human rights were central to his Government's policy. After enduring severe trials in order to gain their independence and secure their basic civil and political rights, the Vietnamese people aspired to enjoy greater economic, social and cultural rights and an improved level of development.

28. Against that backdrop, comprehensive reforms undertaken over the previous 25 years had brought about economic growth, significant poverty reduction and social equity, thereby creating conditions conducive to the exercise of human rights in general. Efforts to strengthen the rule of law had led to improvements in the National Assembly and the legal system as well as to judicial and administrative reform of mechanisms mandated to protect the rights of the citizenry. Moreover, the previous two decades had witnessed a remarkable expansion in terms of freedom of the press and, more recently, in the use of information technology, with Viet Nam moving up ten levels in the International Telecommunication Union's Information and Communication Technology Development Index.

29. In terms of religious freedom, pursuit of belief was common in Viet Nam, as reflected by the large number of religions practised by its people. While a majority of Vietnamese practised Buddhism and Islam, Viet Nam had the largest number of Protestants and the second largest number of Catholics in the region. In the context of its international cooperation on human rights, his Government had submitted periodic reports to a number of treaty bodies, had received several

United Nations independent experts and was preparing for the visit of the Special Rapporteur on the right to health. As Chairman of the Association of Southeast Asian Nations (ASEAN) in 2010, Viet Nam had contributed to the work of the recently established ASEAN Intergovernmental Commission on Human Rights.

30. **Mr. Adoumasse** (Benin) said that his Government had recently adopted two bills that represented considerable advances in the protection and promotion of human rights in his country. The first abolished the death penalty, thus protecting the right to life, and the second sought to prevent and punish violence against women. Since its peaceful transition from a totalitarian regime to a democratic, pluralistic society, his country had been committed to democracy and promoting and protecting human rights and fundamental freedoms, as enshrined in its Constitution. Aware of the interdependence of all human rights, his Government sought to create an environment that was favourable to the economic, social and cultural rights of its people and to improve the living conditions of the Beninese people by guaranteeing them access to basic requirements, such as housing, health, food, clothing and education.

31. Despite the efforts of the international community, there remained much to be done to ensure that all individuals fully enjoyed all human rights. However, some Member States considered civil and political rights to be more important than economic, social and cultural rights, forgetting that democracy rested largely on meeting citizens' basic needs. Barriers had been created between the North and the South, Islam and Christianity, and, more seriously, between the people and their Government, with civil society as an intermediary. The culmination of that fruitless division would, sadly, be gender, with new concepts of sexual orientation and sexual identity — in short, undefined sexual rights which were not considered a priority. Meanwhile, the majority of the world's population lived in poverty.

32. The Human Rights Council had been established as result of the need to depoliticize the human rights machinery. His delegation reiterated its complete support for the Council and its attempts to ensure equality between sovereign States. He thanked the co-facilitators of the recent review of the Human Rights Council and called for the financing of the activities of the Council to be made a priority. His country had been elected to the Human Rights Council in May 2011 and would work with all the members to promote human rights around the world.

33. Although human rights education had advanced learning in the broadest possible sense, an education system based on utilitarian paradigms led to discrimination and marginalization. Human rights training, on the other hand, was a process built on the accumulation of knowledge and experience through activities that shaped attitudes and behaviour. It had a number of advantages, including a holistic approach that treated economic, social and cultural rights with the same importance as civil and political rights, and allowed for the specific cultural and religious characteristics of the community to be used to realize universal principles. His Government had initiated a human rights training process to reinforce human rights education to accelerate the dissemination and appropriation of the fundamental human rights principles. The primary goal was to train responsible citizens who were aware of their rights and obligations to their community.

34. **Mr. Acharya** (Nepal) said that his Government was committed to protecting the life, liberty and property of its people through social inclusion, the rule of law, the independence of the judiciary and the elimination of all forms of discrimination, as well as by ensuring inclusive enjoyment of their economic and social rights. Nepal's universal periodic review report had been considered by the Human Rights Council in 2011. In that connection, he stressed that the principles and guidelines adopted by the Council in connection with the review should be applied to all members fairly, objectively and uniformly.

35. Nepal was a party to 22 international human rights instruments, including the six core instruments. It had incorporated their provisions into its 2007 interim Constitution, which established the right to liberty, equality, justice, education, culture, property, social justice, information, publication, broadcasting, the press and privacy, as well as labour, employment, social security, environmental and health rights, the rights of women and the rights of the child. It also included guarantees against exploitation, torture, discrimination on grounds of race or social status and exile and, most importantly, it guaranteed the right to constitutional remedy. The Nepalese Constituent Assembly, elected in 2008 after the signing of the 2006 Comprehensive Peace Accord, acted as the nation's

parliament pending the adoption of a new constitution. It had adopted a three-year national human rights action plan and established the necessary policy framework and institutional mechanisms.

36. He called on the international community to translate the Declaration on the Right to Development into reality by eradicating poverty with a view to ensuring the inclusive, participatory development of all peoples. His Government had adopted a rights-based approach to development in order to emphasize the mutually reinforcing relationship between human rights, democracy and development.

37. The National Human Rights Commission, a fully autonomous constitutional body with five regional and three subregional branches, investigated alleged human rights violations, monitored compliance with human rights treaties and made recommendations for the compensation of victims. The Government was committed to strengthening the Commission in order to increase its effectiveness. Nepal's independent judiciary was another safeguard of human rights and fundamental freedoms, and its independent media and civil society organizations played an important awareness-raising role.

38. The National Women's Commission, an autonomous body which conducted investigations and made recommendations, had submitted its combined fourth and fifth periodic reports to the Committee on the Elimination of Discrimination against Women in July 2011. The fact that women made up a third of the 601-member Constituent Assembly and that its Deputy Chairperson was a woman was proof of the Government's commitment to the political, economic and social empowerment of women, including through affirmative action and capacity-building. The national action plan for the effective implementation of Security Council resolutions 1325 (2000) and 1820 (2008) sought to ensure women's full, equal participation in the areas of peace, security and development.

39. The interim Constitution guaranteed the rights of children, including the right to an identity and to nurture, basic health care, social security and protection from physical, mental and other forms of exploitation with a special focus on conflict victims and displaced, vulnerable and street children. Nepal was a party to the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Optional Protocols thereto, and its 1992 Children's Act incorporated most of the rights established in those instruments. The Government was also committed to protection and promotion of the rights of the State's indigenous minorities, including the Dalit community, and other marginalized groups. A national action plan on International Labour Organization Convention No. 169 (the Indigenous and Tribal Peoples Convention) was being finalized.

40. The international community must make serious efforts to protect the rights of migrant workers and their families; the growing number of incidents of xenophobia and intolerance were undermining the rights of those workers in various parts of the world. Lastly, the effective enjoyment of human rights and fundamental freedoms required not only national legislative and institutional frameworks, but the provision of adequate resources. As a least developed country, Nepal faced serious constraints in that regard and needed assistance from the international community.

41. **Mr. Núñez Mosquera** (Cuba) said that a peaceful future, with development and the full realization of all human rights for all could only be built on the basis of full cooperation, solidarity and mutual respect. Respect for and the defence of people's right to self-determination should be the cornerstone of the actions of the international community. Cultural and religious diversity and different political, economic and social systems were the most important source of wealth. Any attempt to subjugate that wealth by imposing the Northern countries' standards and models would constitute a serious violation of the essence of human rights.

42. The principles of universality, objectivity, impartiality and non-selectivity in the human rights approach continued to be absent from the statements and actions of some developed countries. While the Northern countries continued to be selective, the Southern countries would denounce not only the human rights violations of which they had been the victims at the hands of those Northern countries for centuries, but also all human rights violations that were committed in Northern countries and territories under their authority.

43. Liberty and democracy were not exclusively the heritage of developed countries. With the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development and at a time

when the world was facing serious economic and food crises, it was increasingly important to ensure the right to development, without which peace and security in the world would not be possible and democracy would be mere fiction. The repeated desire to judge and stigmatize Southern peoples, with a disproportionate and contrived emphasis on civil and political rights only sought to consolidate the powerful countries' economic domination and cultural and ideological homogenization, facilitated by the monopolistic domination of the mass media, the manipulation of international agencies and the imperialist wars of occupation.

44. His country reiterated its readiness to cooperate and engage in dialogue on the issue of human rights on the basis of mutual respect and the norms of international law, particularly the purposes and principles of the Charter of the United Nations. It would continue its fight against manipulation and in favour of international cooperation on human rights. Actions to carry out special procedures should be restricted to the mandate concerned and respect the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, thus contributing to the development of cooperation and constructive dialogue between the experts and Member States. His delegation expressed its willingness to continue to cooperate with all special procedures of the Council on a non-discriminatory basis. Cuba was committed to defending genuine cooperation, mutual respect, truth, justice, universality, impartiality and non-selectivity in the human rights approach.

45. **Ms. Hernando** (Philippines) said that the Philippines had played an active role in the drafting of the Universal Declaration of Human Rights and that its Constitution made it State policy to value the dignity of every human person and guarantee full respect for human rights. The National Human Rights Action Plan 2009-2014, which sought to mainstream human rights standards into government plans, programmes and actions, served as a blueprint for implementation of the eight international human rights treaties to which the Philippines was a party and complemented a comprehensive domestic legal framework in that area.

46. The State's Magna Carta for Persons with Disabilities and Magna Carta of Women ensured implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, respectively. Legislation prohibiting the death penalty had been adopted pursuant to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the Migrant Workers and Overseas Filipinos Act of 1995 had been expanded in order to strengthen bilateral and multilateral relations with host countries for the protection of overseas Filipino workers and provide them with free skills training and legal assistance with the filing of claims against abusive employers. Anti-illegal-recruitment programmes and a National Reintegration Center for Overseas Filipino Workers had also been established.

47. In a globalized world, national policies and actions had international repercussions. Full, effective implementation of human rights instruments could be achieved only when domestic efforts were complemented by bilateral, regional and international cooperation. Her Government was particularly concerned about the situation of migrants, especially migrant domestic workers, and their families. During the current global economic and financial crises, migrants were among the first to lose their jobs and, especially in the case of women and girls, were increasingly vulnerable to violence and trafficking.

48. Strengthened cooperation among Governments was vital in promoting and protecting the rights of migrants, combating human trafficking and eliminating violence against and exploitation of migrants, particularly women and girls. She therefore encouraged States to implement the Global Plan of Action to Combat Trafficking in Persons and to consider ratifying and enforcing instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol).

49. She welcomed the report of the Secretary-General on the protection of migrants (A/66/253) and concurred with the latter's conclusions: States were obliged, under the core international human rights instruments, to protect the human rights of all individuals under their jurisdiction, regardless of their nationality or legal status, including migrants who were in an irregular situation; to protect the fundamental human rights of all migrants in the context of administrative detention

and to explore alternatives thereto; and to ensure that there were adequate protection mechanisms in place to protect the human rights of migrants. In that connection, her delegation was proud of its contribution to the adoption, on 16 June 2011, of International Labour Organization Convention No. 189 on Decent Work for Domestic Workers.

50. She hoped that there would be further discussion of the need to promote and protect the human rights of migrant workers at the second High-level Dialogue on International Migration and Development, to be held by the General Assembly in 2013, and in the work of international policy platforms such as the Global Forum on Migration and Development, which Switzerland would host in December 2011.

51. **Ms. AlRasheed** (Kuwait) said that her Government supported the Human Rights Council's proposal to raise awareness, promote dialogue between cultures and religions, and to take measures to combat intolerance and discrimination in order to consolidate the culture of peace based on respect for and promotion of human rights. The Government's attachment to the principles of human rights was based on conviction and a confirmation of Islamic belief, which reflected religious tolerance and a commitment to achieving fraternity, equality, peace and justice.

52. Her country was also committed to the principles of the Charter of the United Nations, including those affirming the importance of promoting the human rights and fundamental freedoms of the individual. Moreover, its Constitution sought to preserve and promote human rights, emphasizing the achievement of freedom, justice and equality for all, and granting citizens the right to expression, education and health care without discrimination based on origin, gender, language or religion.

53. Kuwait had joined the Human Rights Council in 2011 and was committed to consolidating the bonds of cooperation among Member States in order to realize human rights and fulfil their desired goals. Her Government renewed its commitment to condemning all practices and policies that infringed on the human rights, such as the right to self-determination, of the Palestinians in their occupied territories, rights which were being violated by the Israeli occupation forces in disregard of United Nations resolutions and recommendations. Noting the report submitted by the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967 (A/66/358), she condemned all acts of violence committed by Israeli settlers, whose numbers had significantly increased in 2011.

54. **Ms. Loew** (Switzerland) recalled the vast movement of peaceful protests, particularly in the Arab world, where people were ready to risk their lives and face the excessive use of police force and politics of repression by their own Governments. In fact, that exercise of the fundamental and interdependent rights to freedom of expression, association and peaceful assembly had long been a common phenomenon worldwide and should be at the heart of every society. It was crucial to ensure the freedom of expression in society without fear of being harmed, harassed, detained, tortured or killed. Unfortunately, those rights were being violated to various extents in the world.

55. States had the primary responsibility to protect the fundamental freedoms of all persons participating in peaceful protests and to maintain a public space for dialogue and free expression, while guaranteeing individual freedoms. When taking public security considerations into account, States must not abuse states of emergency or violate international obligations or national legislation. Any restriction on fundamental freedoms must abide by the principles of legality and proportionality and be reduced to a minimum.

56. Peaceful protests were an occasion for Governments to address their root causes: inequality, discrimination, corruption, restrictions on effective participation in public life and other major social problems. Preventing human rights violations, particularly those committed in the context of peaceful protests, was a priority for the Swiss Government, as evidenced through its initiation of a recent panel discussion of the Human Rights Council. The human rights of journalists, human rights defenders and participants in the protests themselves must be protected.

57. **Mr. Chipaziwa** (Zimbabwe) said that his Government had set up institutions, legislation and policy frameworks to enhance the promotion of human rights, to which it was firmly committed in the light of the human rights violations and denials of fundamental freedoms that the people of Zimbabwe had endured for almost a century. It had sought to balance its pursuit for civil and political rights and socio-economic rights through legislation seeking to enhance rights in the

areas of education, labour, health and women's and children's rights.

58. It was of great concern that civil and political rights had dominated discourse on human rights while economic, social and cultural rights were being deliberately sidelined. His Government rejected that selective approach, which was very detrimental to the human rights edifice. All human rights were equal, indivisible and mutually reinforcing, and it was time for the United Nations to enhance its recognition of the long-neglected economic and social rights. The protection of human rights was the primary responsibility of Governments. Other countries and non-State actors might offer constructive assistance and recommendations through dialogue, but without divisive double standards and unwarranted politicization of the issues. They should respect the sovereignty, territorial integrity and political independence of States, as well as the political, historical and cultural particularities of each country.

59. His Government rejected the attempts by some Powers to elevate human rights above those principles to serve their own interests, using strategies based on unilateralism, military force, sanctions, name-calling and shaming through public criticism to promote their political agendas in targeted countries. The use of military force to enforce human rights was a dangerous form of human rights imperialism that fostered the promotion of human rights mechanisms contrary to the founding principles and objectives of the United Nations system. Double standards and hypocrisy in that regard must be eschewed.

60. His country was also concerned over the increasing promotion of human rights concepts that were incompatible with international norms and practices or the cultural realities in different societies and absent from the Universal Declaration of Human Rights and other human rights instruments, such as those relating to sexual orientation and gender identity. While his Government condemned discrimination or harm against persons in that respect, it was of concern that certain countries were trying to force the United Nations and Governments to devote more effort and resources in promoting such issues, which were private matters.

61. **Mr. Hoxha** (Albania) said that human rights and support for the United Nations and international law — and the principles of democracy, fundamental freedoms and the rule of law — were a core aspect of his Government's domestic and foreign policy. The statement made the previous day by the representative of Serbia, which referred to events dating back to 1999, contained false accusations, baseless allegations, distortions of truth and flawed conclusions. According to that statement, Kosovo's problems had begun in 1999, when Serbian domination in Kosovo had come to an end. The reality was that United Nations bodies had been adopting a range of documents, including General Assembly resolutions, on the serious human rights situation in Kosovo since 1992. In an act of genocide and ethnic cleansing by the Serbian regime, more than 11,000 Kosovars had been brutally murdered by Serbian security forces in 1999, and 1 million others had been forced to flee to other countries within a week.

62. The General Assembly had welcomed the advisory opinion of International Court of Justice, which stated that the Kosovo declaration of independence did not violate general international law, an opinion that he hoped Serbia would ultimately accept and respect. The Serbian representative's focus on allegations of organ trafficking and other crimes committed by Kosovo Albanians had already been investigated and dropped by the International Criminal Tribunal for the Former Yugoslavia. The same allegations were also set forth in a report that had been presented to the Council of Europe's Parliamentary Assembly, which had adopted a resolution calling for a new investigation. Although his Government had voted in favour of the resolution, convinced that the truth was the only remedy, that report and its allegations of heinous crimes was unacceptable and did not reflect reality.

63. Lastly, he invited the Government of Serbia to fully cooperate in finding and returning the remains of 1,500 Albanians who had gone missing in Serbian territory and stressed that the technical dialogue between the Republic of Kosovo and Serbia, being brokered by the European Union must resume as it was important for stability and regional cooperation.

64. **Ms. Sabja Daza** (Plurinational State of Bolivia) said that the fundamental rights of all Bolivians were guaranteed in the country's new Constitution, which was based on the principles of universality, non-selectivity, impartiality and objectivity. Against the backdrop of the democratic change unfolding there, her Government had prepared a national action plan on

human rights, which adopted a holistic and community approach to combating discrimination and social exclusion. That approach was based on the concept of living well, in direct contrast to the currently dominant development model in the world, which was based on capitalist accumulation.

65. While her Government had made great strides towards fulfilling its human rights obligations under international law, expressions of discrimination and racism could still be found in the country. She thus urged the international community to join her Government's efforts in tackling such obstacles and called for solidarity and cooperation between nations and cultures to promote rights. To ensure the crucial human right of safe drinking water and sanitation, her Government called for renewed political commitment and cooperation from all countries.

66. With regard to continuing obstacles to the promotion of human rights globally, she noted that the United Nations had been manipulated into authorizing military operations in Libya, allegedly in the interest of protecting human rights and with the involvement of the North Atlantic Treaty Organization, and had given a group of armed insurgents the credentials to represent the Libyan people, even though they had not been elected. That must not be allowed to recur. Her Government hoped that Libya would experience a true democratic spring and that Colonel Qadhafi's murderers would be tried and punished in accordance with the rule of law.

67. **Ms. Tadesse** (Ethiopia) said that her country had undertaken far-reaching measures to advance the full enjoyment of human rights and fundamental freedoms in the last 20 years. Its 1995 Constitution recognized almost all of the key human rights and fundamental freedoms laid down in the relevant international and regional human rights instruments. It also had provisions for the fulfilment of the rights set out in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and included specific provisions protecting the rights of women and children, particularly as regards harmful traditional practices. Moreover, a number of laws had been enacted with a view to monitoring the conduct of law enforcement officials.

68. Her Government had completed and submitted overdue reports under key international and regional human rights instruments, including the Conventions on the Elimination of All Forms of Discrimination against Women and on the Rights of the Child. Moreover, it had undergone a very successful assessment of its human rights performance under the universal periodic review and was taking every effort to implement the recommendations from that review accordingly.

69. Despite that progress, more needed to be done. Human rights had frequently served as a cover for promoting other agendas of certain countries, regional organizations and activists. Such politicization and double standards undermined the promotion of human rights. While she acknowledged that her Government could do more to consolidate respect for human rights, it did not introduce legislation for other purposes — such as for combating terrorism — as an instrument to undermine democracy and the rule of law, or to suppress the human rights of its people.

70. **Ms. Touzenis** (International Organization for Migration (IOM)) said that all migrants, regardless of their status, were entitled to enjoy all human rights without discrimination. The criminalization of irregular migration weakened the human rights protection of migrants and created an atmosphere which led to xenophobic abuses and violence. Likewise, the administrative detention of migrants should be an option of last resort for States, and further efforts must be made in that regard, including providing access to judicial review and redress. Employment rights such as those relating to a minimum wage and workplace safety must be granted regardless of immigration status, and the children of migrants should have access to education on a non-discriminatory basis.

71. She welcomed the recommendations made in the report of the Secretary-General on protection of migrants (A/66/253). Migrant domestic workers, often women, worked in gender-segregated sectors involving care of the home, children or the elderly. The unregulated and informal nature of such work and their limited access to support networks offered such workers little protection from possible exploitation or abuse. In all such cases, States were obliged not only to avoid discrimination but also to fulfil their positive obligations to eliminate all instances of it, such as through appropriate legislation or workplace inspection programmes. Lastly, steps must be taken to guarantee migrant workers' rights of access to health and housing, without discrimination.

72. **Mr. Motter** (Inter-Parliamentary Union (IPU)) said that a recent meeting of the IPU Committee on the Human Rights of Parliamentarians, which had examined the situation of 392 parliamentarians in 39 countries, had revealed that members of parliament were under threat in many parts of the world and that speaking out entailed a degree of risk, as there had been a number of cases of murder, torture, death threats and attempts on their lives. Impunity was also a major concern.

73. Strengthening the role of parliaments in the implementation of international human rights norms hinged on how well parliaments ensured that reporting procedures — in the Human Rights Council and United Nations treaty bodies — were connected to national realities. Parliaments could take a leading role in that respect, such as by reviewing draft reports, attending presentations of their country's reports and ensuring serious debate on recommendations in that context, to help ensure that Governments were held accountable for their human rights performance.

74. To address the lack of adequate preparation of national reports and awareness of the recommendations and concluding observations that United Nations bodies adopted on country situations, his organization had become increasingly involved in helping parliaments to make a more substantive contribution to the international human rights monitoring system, particularly by assisting them with the implementation of international recommendations at the national level.

75. **Mr. Fiallo** (Ecuador) said that his Government's major efforts to promote and protect human rights were evident, for example in its 2008 Constitution. Its national plan for development and for "living well" had reinforced Ecuador's institutional mechanisms for the protection of the rights of migrants. The Government promoted the concept of universal citizenship and had invested significant resources towards the protection of refugees living in Ecuador. It had also implemented mechanisms to enable the return of Ecuadorian migrants who had left the country during the economic and financial crisis resulting from abuses based on capitalist doctrines. He urged Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

76. Despite the global financial and economic crisis, his Government had continued to invest in policies promoting social development. It had set up a human rights justice mechanism in 2007 to incorporate human rights as a cross-cutting issue in public policies. Progress had been made in advancing, inter alia, the empowerment of women and the rights of children, peoples and nationalities, and the promotion and protection of ethnic plurality. The international community should strive to protect those individual and collective rights.

77. Human rights discourse was sometimes used to disguise certain violations of rights, as had been the case in Libya, where extrajudicial killings and indiscriminate bombings had taken place. Such actions should not be allowed to continue or to occur elsewhere. The Human Rights Council and universal periodic review were the appropriate mechanisms for enhancing the human rights situation in the world, in a spirit of cooperation and free of double standards.

78. **Mr. Makriyiannis** (Cyprus), speaking in exercise of the right of reply, said, in response to the statement made the previous day by the representative of Turkey, that the Government of Turkey had made false accusations and distorted historical facts in an effort to divert attention from its responsibility for the grave human rights abuses that it continued to perpetrate in Cyprus. He noted that numerous General Assembly and Security Council resolutions had condemned the 1974 Turkish invasion and continuing military occupation of Cyprus, as had decisions of other bodies such as the European Court of Human Rights and European Parliament.

79. Turkish-Cypriots were far from isolated since, as full citizens of Cyprus, they enjoyed the same rights as all other European citizens. More than 95 per cent of that population had renewed their Cypriot passports in recent years, enabling them to move, work, study and settle freely anywhere in the Union, and to travel and enjoy other privileges including consular and diplomatic assistance worldwide. They could participate in sports and other activities, were employed in Cyprus-controlled areas irrespective of their residence, and, since 2003, as a confidence-building measure, they had received free medical care and social insurance in Government-controlled areas. They had benefited from significant funds earmarked for their economic development through the European Union.

80. In reality, the Turkish army continued to occupy a significant part of a sovereign country, in flagrant violation of the core values of the United Nations, denying hundreds of thousands of Cypriots their fundamental freedoms and rights. The Government of Turkey must respect United Nations resolutions, recall its troops and restore the human rights and dignity of all the people of Cyprus.

81. **Mr. Kodama** (Japan), speaking in exercise of the right of reply, said, in response to the statement by the representative of the Democratic People's Republic of Korea (DPRK), that Japan had been facing up to its past with sincerity and consistency since the Second World War. He drew attention to the Japan-DPRK Pyongyang Declaration of 17 September 2002, in which his Government recognized the damage and suffering caused to the people of Korea through its colonial rule in the past and expressed its deep remorse and heartfelt apology.

82. The figures cited in the statement made by the representative of the Democratic People's Republic of Korea were groundless. On the issue of property claims, under the Pyongyang Declaration, it had been agreed that all property claims arising from events prior to 14 August 1945 could be waived once the bilateral relationship between the two countries was normalized. His Government remained committed to the basic policy of normalizing relations set out in the Pyongyang Declaration and had been engaged in addressing those issues. He strongly urged the Democratic People's Republic of Korea to take action to resolve the outstanding issues of concern.

83. **Ms. Ivanović** (Serbia), speaking in exercise of the right of reply, said that all the references that the representative of Albania had made the previous day to the province of Kosovo and the investigation of crimes had been based on or quoted from a report on the investigation into the inhuman treatment of people and illicit trafficking in human organs in Kosovo, undertaken by the rapporteur of the Council of Europe Parliamentary Assembly, Mr. Dick Marty, and a report by the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Human Rights Council (A/HRC/14/24/Add.9). Paragraphs 32 and 33 of the latter report indicated, inter alia, that investigations had been attempted by the International Criminal Tribunal for the Former Yugoslavia and other entities, including the Council of Europe and the European Union Rule of Law Mission in Kosovo (EULEX), but that none of the efforts to investigate had received meaningful cooperation from the Government of Albania.

84. **Mr. Elshakshuki** (Libya), speaking in exercise of the right of reply, said that comments made by certain delegations about his country were ill-founded and revealed ignorance about the sacrifice that the Libyan people had made, which was an insult to his country. The comments made by the delegation of the Plurinational State of Bolivia revealed a lack of understanding of the scale or effects of the more than 40 years of dictatorship in Libya, where ordinary citizens had been forced to take up arms. Any defense of Colonel Qadhafi was absurd.

85. **Mr. Ri** Tong Il (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the comments made by the representative of Japan had been regrettable, as that country continued to evade its responsibility for the crimes that it had committed against humanity. Its apology had merely been misleading lip service for the international community. The fact was that Japan had committed systematic and widespread crimes, including the sexual slavery of 200,000 comfort women. The Government of Japan should make a further apology and pay compensation to victims. His Government was willing to normalize relations once that of Japan was willing to mend its ways and abandon its current approach.

86. **Mr. Nina** (Albania), speaking in exercise of the right of reply, said that the allegations made by the representative of Serbia had been baseless. The Serbian Government's compliance with the requirements of the International Criminal Tribunal for the Former Yugoslavia after 16 years was insufficient, as the wounds inflicted by the Serbs still needed to be healed. Turning the page on the brutalities of the past and achieving long-lasting peace and reconciliation required not only that justice be done, but also that sincere apologies be made to the nations and families of the victims.

87. His Government extended its support to the Government of Kosovo for implementing and strengthening the rule of law and would never yield to criminals, parallel structures or individuals who cared only about their own interests. It also welcomed the support shown by other States and organizations, including the Organization of Islamic Cooperation (OIC) and the European Union. Serbia must allow the European Union Rule of Law Mission in Kosovo

(EULEX) to operate throughout Kosovo and abolish the separate parallel mechanisms in the north. Emphasizing the importance of moving towards a more integrated region, he noted that a range of common issues merited further cooperation, including that of the freedom of movement, which his Government had recently facilitated by lifting visa restrictions for Serbian citizens entering Albania.

88. His Government considered the report on the inhuman treatment of people and illicit trafficking in human organs in Kosovo and the heinous crimes that it alleged as pure speculation and unfounded accusations. It had been in the interest of truth that his Government had invited EULEX to investigate in full and in a transparent manner all aspects of those allegations involving any part of Albanian territory.

89. He drew attention to paragraph 34 of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/14/24/Add.9), which stated that, following the Rapporteur's visit to Albania in March 2010, the Minister for Foreign Affairs had stated that Albania had been willing to cooperate fully and transparently with investigations into the allegations of abuse and killings, a commitment which was a positive step.

90. **Mr. Kodama** (Japan) said that the characterization by the representative of the Democratic People's Republic of Korea of the apology made by the Prime Minister of Japan in the joint Pyongyang Declaration as lip service was unacceptable. It was also regrettable that the Democratic People's Republic of Korea had taken no action in response to the concerns of the international community.

91. **Mr. Ri** Tong Il (Democratic People's Republic of Korea) said that the remarks made by the representative of Japan had been another example of inferior moral quality. Many victims who had been used as comfort women had already passed away, and it was immoral for the Government of Japan to withhold compensation until after the victims died. That was in stark contrast to the example of other countries, and he urged Japan to follow their example. Crimes against humanity had no statutory limit, and Japan must take responsibility for its shameful actions in the past.

92. **Ms. Ivanović** (Serbia) said that the Albanian Government's intentions of providing full cooperation had not been forthcoming, as noted in paragraph 63 of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/17/28/Add.3). Furthermore, paragraph 65 of the report, referring to the allegations of organ trafficking, stated that reversing the onus of proof was entirely incompatible with the function of human rights fact-finding and with the Government's own responsibility to investigate, prosecute and punish.

93. **Mr. Nina** (Albania) said that suggestions that his Government was not cooperating were deceiving. The investigation currently under way both in Kosovo and in Albania was the only way to put an end to the propaganda spread against his Government, including in statements made by the delegation of Serbia at the previous and the current meeting. The fact was that neither the Governments of Albania or Kosovo, EULEX nor any other interested party had been provided with any proof of the allegations, which remained a form of propaganda intended to destabilize Kosovo hinder its continued progress and stabilization and, above all, undermine its growing recognition by the international community. The ongoing events in northern Kosovo, including the blockades and confrontation, were clearly part of the Serbian Government's aim to achieve the forceful partition of Kosovo. It seemed that some in Serbia's political class had failed to learn from their own history and that of the Balkans. He called for cooperation and goodwill on the part of all parties concerned.

The meeting rose at 1 p.m.

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Chair: Mr. Haniff ..... (Malaysia)

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The meeting was called to order at 10.05 a.m.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (A/66/366-S/2011/584)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (A/66/18 and A/66/312)

(b) Comprehensive implementation of and follow-up to the Durban declaration and Programme of Action (A/66/313 and A/66/328)

Agenda item 68: Right of peoples to self-determination (A/66/172 and A/66/317)

1. **Mr. Bennett** (Special Adviser to the Assistant Secretary-General for Human Rights) introduced the Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up of Durban Declaration and Programme of Action (A/66/328), which focused on measures taken by United Nations and other organizations and entities toward eliminating racism and discrimination and implementing the Durban Declaration and Programme of Action. It also highlighted the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the roles of the Durban mechanisms.

2. He also introduced the Report of the Secretary-General on the right of peoples to self-determination (A/66/172), which outlined the latest developments in the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the treaty-based human rights norms relating to realization of the right of peoples to self-determination. It also provided information on the Human Rights Council's consideration of the human rights situation in Palestine and other Occupied Arab Territories, and a summary of developments in South Sudan and Western Sahara.

3. **Mr. Cesa** (Argentina), speaking on behalf of the Group of 77 and China, said that the commemoration of the adoption of the Durban Declaration and Programme of Action and the consensus adoption of the political declaration on racism, racial discrimination, xenophobia and related intolerance provided an opportunity to assess progress made and identify obstacles and challenges encountered, and reaffirmed the political will to fight those problems.

4. The Group of 77 called for concrete action to implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. It noted the importance of providing the relevant mechanisms with the resources necessary for effective fulfilment of their mandates. Lastly, it welcomed the decision to erect a permanent memorial to honour the victims of slavery and the transatlantic slave trade.

5. **Ms. Ojiambo** (Kenya), speaking on behalf of the Group of African States, said that those States attached great importance to the fight against racism, racial discrimination, xenophobia and related intolerance within the framework of the relevant international instruments and the work of the Special Rapporteur. The international community had to work through institutional support mechanisms and education to reverse retrogressive attitudes that fuelled racism.

6. The main outcome of the Durban Conference was a change in attitudes towards racist institutions, laws and policies. Racist behaviours must be eliminated and multi-cultural, multi-racial, and multi-religious societies must be embraced. The Group of African States also supported efforts to erect a memorial to honour victims of slavery and the transatlantic slave trade.

7. **Mr. Minty** (South Africa), speaking on behalf of the Southern African Development Community (SADC) said that the recommendations in the reports of the Secretary-General constituted a foundation for the struggle against the continuing phenomena of racism, racial discrimination, xenophobia and related intolerance. The United Nations must mainstream efforts to assist Governments in the elimination of such practices.

8. SADC members had instituted domestic laws to combat the scourge of racism and achieve equality. They were concerned about a pattern by some countries to renege on their Durban commitments and to renegotiate the Durban Declaration and Programme of Action. Limited progress had been made in the past ten years in its implementation, particularly its paragraphs 157-159. The reservations to some of the key provisions of the International Convention on the Elimination of Racial Discrimination were also of concern.

9. SADC reaffirmed the principle of non-discrimination, condemned all racist ideologies and reiterated the importance of the Durban follow-up mechanisms. Lack of political will and commitment were still a core factor affecting global efforts toward the eradication of related problems. They were committed to continuing to seek solutions to racism and to address its contemporary forms.

10. **Mr. Hunte** (Antigua and Barbuda), speaking on behalf of the Caribbean Community (CARICOM), expressed appreciation for the steps taken by the Chair in respect of the order of speakers.

11. CARICOM supported the findings, recommendations and best practices contained in the interim report prepared by the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/66/313) and encouraged Member States to implement the recommendations. It noted, however, that the report of the Committee on the Elimination of Racial Discrimination covering its seventy-eighth and seventy-ninth sessions had not yet been issued; it looked forward to the opportunity to review it.

12. CARICOM viewed the meeting commemorating the tenth anniversary of the Durban Conference as an opportunity to take stock of the progress made in implementing the objectives of the Durban Declaration and Programme of Action, reaffirm commitments and mobilize the political will to end offences. It regretted the recent resignation of the Special Rapporteur; at the same time it endorsed the appointment of his replacement and of the Independent Expert on Minority Issues. Its member countries intended to work with the new Special Rapporteur, and welcomed adoption of Resolution 16/33 (A/HRC/RES/16/33), which extended his mandate for an additional three years.

13. Renewed emphasis on and adequate funding for follow-up mechanisms and sustained international cooperation in addressing race-related offences were needed. The Governments of the CARICOM countries sought to protect the diversity of their societies while promoting equality, justice and dignity in order to prevent manifestations of race-related problems from taking root.

14. CARICOM appreciated the decision to support the memorial to honour the victims of slavery and the transatlantic slave trade. It welcomed the launch of an international competition to identify a design for it and commended the United Nations Educational, Scientific and Cultural Organisation (UNESCO) for its work on the slave route project and its collaboration with the memorial committee.

15. Structural discrimination remained a barrier to full cultural, social and economic development in some countries. Many of the inequitable social and economic conditions afflicting developing countries had been caused by historical misdeeds. CARICOM appreciated the efforts of the Special Rapporteur to contribute to a better understanding of the manifestations of structural discrimination and its causes, and his recommendation that States should review and redesign pertinent legislation, policies and programmes that had a disproportionate effect on specific groups of individuals.

16. CARICOM also appreciated his contribution to the discussion on racial discrimination against people of African descent in Geneva on 7 March 2011, and supported the activities of the Working Group of Experts on People of African Descent. Historical injustices and human rights violations had caused the marginalization of many persons of African descent. Some progress had been made, but serious challenges remained.

17. **Mr. De Bustamante** (Observer for the European Union), speaking also on behalf of the candidate countries Croatia, Turkey, the former Yugoslav Republic of Macedonia, Montenegro, the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia, as well as Ukraine, Republic of Moldova, Armenia and Georgia, expressed reservations about the decision taken by the Chair in respect of the order of speakers.

18. The European Union defended and promoted the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. It rejected and condemned all forms of racism, racial discrimination, xenophobia and related intolerance, including discrimination on the basis of sexual orientation. A consistently tough zero-tolerance stance against all those practices must be taken.

19. The European Union had initiated measures to combat racism and xenophobia requiring its members to introduce national laws prohibiting racial discrimination. It was also committed to eliminating

discrimination against and to promoting and protecting the rights and integration of the Roma people.

20. Since its foundation in 2007, the European Union Agency for Fundamental Rights had been collecting, analysing, and disseminating comparable objective data on various fundamental rights issues, including racism and xenophobia. The European Union reaffirmed its commitment to counter extremist political parties, groups and ideological movements, and expressed concern about the use of the Internet to promote and disseminate racist ideas.

21. **Ms. Shen** Siwei (China) said that racism constituted a grave breach of human rights and imperilled world peace, stability and development. Noting the important steps taken over the years by the United Nations to promote the elimination of racism, in particular through implementation of the Durban Declaration and Programme of Action, she reaffirmed her country's support for that undertaking and its regret at the boycott by some countries of the Durban Review Conference and the recent high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. China called on all parties to bridge their political differences, resist the application of double standards to the issue of racism and, through strengthened exchanges and cooperation, fully to implement the Declaration and Programme of Action and the outcome document of the high-level meeting.

22. Reaffirming the solemn political right of all peoples to national self-determination and freedom from foreign aggression and interference, she reiterated China's unwavering support for the aspiration of the Palestinian people to national self-determination, statehood and full membership of the United Nations, and called upon the international community to strive for comprehensive, just and lasting peace in the Middle East and for the peaceful coexistence of Arabs and Israelis.

23. **Ms. Solórzano-Arrigada** (Nicaragua) said that her country reaffirmed its commitment to full and effective application of the Durban Declaration and Programme of Action and the outcomes of the 2009 Review Conference, and welcomed the Political Declaration adopted during the commemoration of the tenth anniversary. As a multi-ethnic and multi-cultural nation, Nicaragua was committed to adoption of measures leading to the respect, promotion, and encouragement of human rights and fundamental freedoms.

24. Her delegation had focused on advances in the empowerment of women to ensure absence of discrimination. The Government had also promoted policies and programmes to prevent and combat discrimination against persons with disabilities, persons suffering with HIV/AIDS, and lesbian, gay, bisexual and transgendered people. The Ministry of Labour had established an Office of Equality and Non-Discrimination in Employment to oversee compliance with affirmative action measures to prevent employment discrimination against persons affected by HIV/AIDS. The Special Prosecutor for Sexual Diversity promoted policies to ensure access to the public health system, protect the employment rights of gay and lesbian citizens and eliminate hostility based on gender orientation in public schools. An Inter-institutional Commission against Racism was being established to publicize the fight against racism and discrimination and to coordinate and execute a Plan of Action to establish an equitable, inclusive, and multi-ethnic society. Furthermore, in November 2007, the criminal offence of racial discrimination had been incorporated into the new Penal Code of Nicaragua.

25. Her country affirmed the importance and inalienability of the right of self-determination of peoples suffering under foreign occupation and the right to fight for sovereignty, independence, and dignity. It therefore supported the Palestinian people in their struggle to establish the State of Palestine.

26. **Mr. Sammis** (United States of America) said that his country's hard work and commitment to combat and eliminate racial discrimination throughout the world was rooted in the saddest chapters of its history. The United States of America took seriously its obligations as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, implementing them through its Constitution, state constitutions, local laws and federal and state human rights machinery. Legislation in the United States of America prohibited racial discrimination in such areas as education, housing and employment.

27. The Government had made significant efforts to improve the cultural competence of law enforcement officers, including immigration officials. Increased

knowledge of various customs, beliefs and practices would result in fewer cases of unprofessional and unlawful conduct and prevent inappropriate actions by law enforcement officers.

28. Other government efforts included work to ensure that hate crimes were prosecuted, law enforcement misconduct was investigated and remedied and that laws and programmes to ensure fair housing, fair lending, equal educational and employment opportunity and the right to vote were enjoyed by all without regard to race. International efforts included co-funding of and cooperation in anti-racism programmes with Brazil and Colombia, inter alia, and programmes which supported the International Year for People of African Descent.

29. **Mr. de Séllos** (Brazil) said that ten years after the Durban Declaration and Programme of Action, the provisions contained in those documents remained relevant.

30. In the past decade, Brazil had made significant strides to fight racism, racial discrimination, xenophobia and related intolerance. In 2003, the establishment of a ministerial-level body to promote racial equality had resulted from the recognition that anti-racism activities must be approached from a political and institutional perspective. Legislation to promote racial equality and fight racism had entered into force in 2010. It established that the State and the society at large were responsible for ensuring equal opportunities to all citizens, regardless of ethnic origin. The new law included a broad range of measures aimed at correcting historical injustice and promoting the social and economic inclusion of people of African descent, in particular through affirmative action programmes and policies in such areas as education and health.

31. A cash transfer programme called the Bolsa Familia had benefited a large number of families of African descent, who still made up a large part of the population living in extreme poverty. Specific actions had been implemented to improve access to quality health care for women of African descent.

32. In the 2010 population census, more than half of Brazilians, or 100 million people, had declared themselves to be of African descent. Brazil had been an early supporter of the initiative to declare 2011 the International Year for People of African Descent. The celebration offered a unique opportunity to acknowledge the contributions made by people of African descent to Brazil's economic, social, political and cultural development and served both as a reminder of Brazil's historical debt and as an inspiration to redouble efforts to address inequalities.

33. From 17 to 19 November, Brazil and the Ibero-American General Secretariat would host a Summit on People of African Descent in Salvador, Bahia. It would bring together governmental and civil society representatives from Africa, Latin America and the Caribbean and serve as a forum to exchange views on strategies to promote and enhance the social and economic inclusion of people of African descent. During the Summit, participating States would adopt the Declaration of Salvador, whose aim was to acknowledge the essential role played by people of African descent and propose concrete measures to overcome the barriers to full social and economic participation of people of African descent.

34. **Ms. Zolotova** (Russian Federation) said that her Government consistently supported the promotion and protection of human rights and fundamental freedoms for all persons without distinction; as one of the largest multi-ethnic States in the world, with 182 ethnic communities represented, the Russian Federation was a country of unique ethno-cultural and religious diversity. Over the centuries it had been able to preserve inter-ethnic and inter-faith peace and maintain a balance between the interests of the various ethno-cultural communities. At present, however, it was not unaffected by the global trends of exacerbation of inter-ethnic conflicts and the growth of intolerance and xenophobia.

35. Her Government believed that the basic work of creating and nurturing a tolerant society based on the principles of equality and cultural diversity must be carried out by the State. It was conducting a multisectoral strategy to overcome intolerance in society, with particular emphasis on education, especially at the primary and secondary levels, where the foundations of an individual's world view were laid. A comprehensive assessment was being made of the quality of civic education in educational institutions, including textbook content and teaching methods, and new approaches to inculcating a spirit of tolerance and a humanistic outlook were being introduced.

36. The Russian Federation's historical experience demonstrated the importance of the religious factor in strengthening inter-ethnic harmony. In order to combat xenophobia and intolerance, her Government was conducting wide-ranging work at all levels with representatives of traditional religious communities. A council on cooperation with religious associations was attached to the office of the President of the Russian Federation, and working groups consisting of representatives of various faiths were in operation in all Russian regions for the resolution of conflicts within the country.

37. Her delegation was concerned about the increasing persecution and discrimination to which the Christian population in various countries was being subjected. Christianophobia, like Islamophobia and anti-Semitism, was becoming a serious impediment to the development of society; its solution required an integrated approach and close interaction between international, regional and national human rights mechanisms.

38. Events in the world demonstrated the continuing and increasing significance of the Durban Declaration and Programme of Action, which continued to serve as a guide for States in developing programmes and policies. It was regrettable that a number of States had decided to ignore the high-level meeting of the General Assembly held on 22 September 2011, which had provided an opportunity for the international community to confirm its total rejection of all forms of racism and intolerance and update the priorities in that sphere.

39. An important component of the Russian Federation's strategy in that regard was education about and preservation of the memory of the sufferings and losses endured during the Second World War as a result of the implementation of the criminal Nazi ideology. The sixty-fifth anniversary of the victory in the Second World War had afforded the international community an opportunity to consider once again the significance of the Nuremberg process, which had had a crucial influence on the establishment of the international regime for the promotion and protection of human rights.

40. Her Government remained concerned about the growth of racial discrimination and xenophobia, particularly in those countries which had suffered directly from the actions of the Nazis, and the overt tolerance, and sometimes even support, afforded to the ideas and followers of Nazism, as well as the rise of neo-Fascist parties in many national parliaments and the regular marches of *SchutzStaffel* (SS) legionaries and meetings of Waffen SS veterans in a number of European countries. The more than restrained reaction by European powers, most of which had directly experienced all the horrors of fascism, was cause for bewilderment, at the very least.

41. The decisions of some judicial authorities calling in question a number of key political and legal principles formed as a result of the Second World War and the post-war settlement in Europe were another cause for concern; such verdicts effectively negated the results of the Nuremberg process, which was regarded throughout the world as the basic source of contemporary international criminal law, in particular in recognizing the SS and all its components as a criminal organization.

42. Her Government was discouraged by the position of the Western democracies, many of which had been participants in the anti-Hitler coalition, which had abstained in the vote on the draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" introduced by her delegation, and hoped that they would support the draft resolution at the current session. The international community had a duty to those who had sacrificed their lives to save humanity from fascism to take effective action to prevent the dissemination of concepts of intolerance and racial, ethnic or religious supremacy, which masked aspirations to world hegemony and were a source of new threats. United efforts, harmonious relations between different ethnicities and faiths, tolerance and mutual respect, preservation of cultural diversity and an open and constructive dialogue among civilizations were the main prerequisites for overcoming the evil of racism.

43. **Mr. Kasymov** (Kyrgyzstan) said that the persistence of serious problems in the area under discussion had been starkly illustrated by the terrorist act which had taken place in Norway on 22 July 2011. Kyrgyzstan shared the view that States needed to make even greater efforts and adopt urgent measures to combat the increasing trends of racism and xenophobia observed in recent years.

44. Kyrgyzstan's geographical situation in Central Asia at the crossroads of civilizations, and also the mass deportations that had accompanied many events of the twentieth century, determined the unique ethno-cultural composition of the modern Kyrgyz nation. Over 100 ethnic groups were now represented in Kyrgyzstan, and one third of the population belonged to ethnic minorities.

45. Kyrgyzstan had been a party to the International Covenant on Civil and Political Rights since 1994 and to the International Convention on the Elimination of All Forms of Racial Discrimination since 1997; its Constitution ensured equal rights and equal opportunities for all, established the direct applicability of the provisions of international human rights treaties and provided for the special measures recommended in the Durban Declaration to ensure equal opportunities for different social groups.

46. The decade that had elapsed since the adoption of the Durban Declaration and Programme of Action and the proclamation of the International Decade for a Culture of Peace and Non-violence had unfortunately been marked by an exacerbation of contradictions and conflicts in individual countries and regions. It was unfortunate that the implementation of the Durban Declaration and Programme of Action remained unsatisfactory and that racism, racial discrimination, xenophobia and related intolerance continued to exist in all parts of the world.

47. His delegation believed that the key to the effective implementation of the Durban Declaration was strict adherence to the principle of absolute rejection of racism at the national and international levels. Political platforms based on racism, xenophobia and doctrines of racial superiority must be condemned as incompatible with the principles of democracy. His delegation called on Member States not only to declare their commitment to combating racism, but also to take effective measures, above all through improving legislation and upholding the rule of law irrespective of distinctions of any kind.

48. **Ms. Arias** (Cuba) said that ten years after the adoption of the Durban Declaration and Programme of Action, xenophobic and anti-immigrant programmes were being put in place in many parts of the world. Ancient civilizations and religions were being demonized. Identification of specific cultures and religion with terrorism and violence was unacceptable.

49. Attempts to legitimize manifestations of racism were extremely alarming. More and more neo-fascist organizations were being established, and anti-terrorist and anti-immigrant laws that enabled authorities to act in arbitrary ways were becoming more common. Millions of immigrants from Latin America, Asia and Africa experienced violations of their rights on a daily basis.

50. New measures were urgently needed to eliminate contemporary forms of racism. They must be attacked at the root, through the establishment of a new international economic order based on equality, solidarity and social justice. Legislative measures to combat discrimination were not sufficient. It was necessary to combat negative stereotypes of groups and individuals and promote cultural, ethnic and religious diversity through the education system. During the International Year for People of African Descent, States should demonstrate their commitment and political will to end racism.

51. Cuba would once again introduce a draft resolution entitled Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, reflecting the need to establish a legally binding international instrument to regulate private military and security companies and guarantee accountability.

52. Cuba supported the inalienable right of the Palestinian people to establish their own independent, sovereign State, freely choose their own political and economic system and live in peace and freedom in their own State.

53. Despite provisions in the International Covenants on Civil and Political Rights and on Economic Social and Cultural Rights, as well as other instruments of international law, some States engaged in unilateral actions against other countries. For over 50 years, Cuba had endured a cruel and unjust economic blockade that had been repeatedly condemned by the international community. In addition, the Cuban people had endured serious violations of their right to self-determination for over 50 years, committed by the Government of the United States of America.

54. **Ms. Alsaleh** (Syrian Arab Republic) said that racism had become an epidemic: violence and incitement to ethnic or religious hatred were rife, and modern communication technologies were being used to vilify specific religions or cultures and propagate

false ideas of the superiority of some over others. A centuries-old fund of dialogue and cooperation between peoples was being depleted, the hands of the clock of civilization were being turned back.

55. That was particularly the case in the Middle East, where the Israeli apartheid entity engaged in hateful racist practices. The people of the Occupied Territories were denied citizenship on the pretext that Israel was a Jewish State. The construction of an apartheid wall was under way in the occupied Syrian Golan in a futile effort to isolate and Judaize that part of the country. The theft of water, land and property continued. Israeli occupation forces in the Syrian Golan engaged in racist and discriminatory practices in the fields of education, health, culture and language. Palestinians and persons from the occupied Golan were detained under inhuman conditions that had resulted in their becoming seriously ill and even dying, all on the grounds that they had resisted occupation by burning their Israeli identity cards. That was a flagrant violation of the Geneva Conventions and international humanitarian law.

56. Israel, in fact, engaged in State-sponsored terrorism. It was characterized by a deep-rooted, aggressive racism. Israeli settlers treated non-Jews as though they were beings that did not deserve to live. The continued feigned ignorance of Israel's crimes on the part of its apologists within the United Nations encouraged it to continue on its unlawful course. The Organization should summon up the political will to abide by its commitments and enforce the principles of international law. So long as it could not or would not do so, Israel, with the assistance of certain influential States, would continue to deprive millions of Palestinians of their right of self-determination. Yet that right remained valid; six generations of suffering had not effaced it.

57. **Mr. Tarar** (Pakistan) said that despite the enshrinement of the right to self-determination in the Charter of the United Nations, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, resolutions of the General Assembly, the Vienna Declaration, the World Summit for Social Development in Copenhagen, the Millennium Summit, the United Nations 2005 World Summit and the fifteenth Summit of the Non-Aligned Movement, inter alia, the exercise of that right was still denied in various parts of the world, including Jammu and Kashmir and Palestine.

58. Six decades had passed since the Kashmiri people had been promised the exercise of their right to self-determination by the United Nations. Security Council resolution 47 of 21 April 1948 declared that the only way to settle the Kashmir problem peacefully was to demilitarize the State and to hold a plebiscite under United Nations supervision, a statement which the Security Council had later reiterated. Subsequent Security Council resolutions had established a ceasefire and a body to ensure respect of the ceasefire. All of those statements and measures by the Security Council had been supported by both Pakistan and India.

59. It ran counter to historical and legal fact to characterize Kashmiri demands for justice as threatening to the integrity of India. Kashmiri resistance was not externally motivated. Peaceful resistance by Kashmiri youth had forced the international community to take note. Many voices of reason in the Indian media, civil society and academia and even mainstream Indian politicians had urged the Government to stop denying the situation and acknowledge its mistakes. The discovery of mass graves in Kashmir would become a permanent scar on the conscience of mankind if the perpetrators were allowed to get away with their atrocities.

60. Leading Indian and British journalists had criticized Indian policy in Kashmir and India's refusal to heed the United Nations call for a plebiscite on self-determination. The human rights of the Kashmiri people must be respected. Pakistan reaffirmed its complete solidarity with the Kashmiris and was desirous of good and friendly relations with India based on equality and mutual trust.

61. Turning to the issue of racial discrimination, he said that new forms of related intolerance were emerging. The politicization of immigration, rigid hierarchical social structures, unequal power and economic relations, religious intolerance, stereotyping, violence and foreign occupation continued. The rights of immigrants, foreigners and minorities were often denied.

62. Pakistan was actively involved in promoting the anti-racism agenda in all forums, including the legal fight against the legacy of colonialism at the United Nations. Its engagement was based on the principle that racism ran counter to the fundamental values of peace, equality, justice and universal brotherhood

espoused by Islam and all world religions. To combat the menace of racism, an enhanced focus on intercultural and interreligious dialogue was needed. Tolerance, education and respect for religious and cultural traditions were necessary.

63. **Mr. Abdel Khalek** (Egypt) commended the efforts which had contributed to the adoption by consensus of the political declaration of the High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, despite the opposition of some on the basis of unjustified political reasons. Full and effective implementation of the Durban Declaration and Programme of Action and implementation of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the International Convention on the Elimination of All Forms of Racial Discrimination could not be achieved without fully understanding that diversity of culture, religion and civilization enriched humanity, contributed to peaceful coexistence and reinforced the principles of democracy and dialogue.

64. It was regrettable that manifestations of racism, racial discrimination, xenophobia and discrimination were increasing, particularly in democracies that made human rights an international political and social priority. The spread of radical and racist right-wing movements in such societies was alarming and flagrantly contradicted respect for cultural and religious diversity. It jeopardized international endeavours, including the fight against terrorism.

65. Enjoyment of freedom of expression and opinion came with responsibilities towards society. The most important of those was the responsibility to establish a constructive democratic dialogue, reinforcing the values of tolerance and understanding and addressing incitement to hatred and discrimination against migrants and representatives of certain cultures and religions.

66. Members of the international community must make honest efforts to fight all forms of racism and take measures to address the absence of necessary legal instruments prohibiting incitement to racism and discrimination and preventing impunity. There must be legislative and administrative mechanisms to counter such phenomena and provide adequate training and awareness to those responsible for implementation of such measures. Victims of discriminatory acts must have access to appropriate recourse and due process.

67. Egypt reaffirmed the importance of international cooperation to fight racism and enhance the follow-up mechanism for implementation of joint commitments, especially with regard to discrimination against women, minorities and immigrants. People in those groups faced discrimination and attempts to blur the distinctive features of their cultures and traditions, possibly forcing them to hide their religious, ethnic or linguistic affiliations.

68. Due attention must be paid to the role of education in reinforcing tolerance, understanding and peaceful coexistence, in particular among youth and children. There must be a focus on the role of non-governmental organizations, the private sector and communities in promoting dialogue and universal respect for the right to freedom of expression and opinion, as well as their role in avoiding incitement to hatred or violence against individuals or groups on the basis of their religion or culture.

69. Turning to the issue of self-determination, he said that the issue of the right to self-determination of the Palestinian people had been continuously politicized within the United Nations. The Palestinians had been under foreign occupation for more than 65 years, and despite actions by the United Nations and other international organizations, their rights were flagrantly violated on a daily basis.

70. Israel had been at war with Gaza for more than two years. The recommendations contained in the United Nations Fact Finding Mission on the Gaza Conflict, known as the Goldstone Report, must be fully implemented. The international community had a moral and legal responsibility to prevent the recurrence of such violations. The perpetrators must be held responsible for their acts, without impunity. The end of foreign occupation in Palestine and full membership for Palestine in the United Nations would contribute to ending such violations.

71. The choice of the President of the General Assembly of mediation as the main theme for discussions during the sixty-sixth session of the General Assembly underscored the need to ensure that such mediation was fair, objective and effective, so that the right to self-determination for people under foreign occupation could be realized. Decolonization remained incomplete, despite all efforts to end it. The existence

of colonialism in any form, including economic exploitation, was incompatible with the Charter of the United Nations and other international human rights instruments.

72. Declaring 2011-2020 the Third International Decade for the Eradication of Colonialism would send the right message, encouraging all parties to speed up work in order to achieve tangible results. The United Nations had the responsibility to ensure the full and unconditional realization of the right to self-determination and the full enjoyment by all peoples of human rights and fundamental freedoms, including for the Palestinian people and other populations under foreign occupation. The United Nations was urged to uphold that responsibility more seriously in order to reach a just, comprehensive and lasting peace in the Middle East, on the basis of all international terms of reference, United Nations resolutions and the principle of "Land for Peace," so that the Palestinian people could establish the State of Palestine within the 1967 borders, with East Jerusalem as its capital.

73. **Mr. Yahiaoui** (Algeria) welcomed the decision of the General Assembly to erect a monument at the United Nations to pay tribute to the victims of slavery and the transatlantic slave trade.

74. Racism, an ancient source of pain for humanity, had adapted to the modern world, spreading to all areas where discrimination and rejection of the other could thrive. Recently, contemporary forms of racism and discrimination had sought political, moral and even legal acknowledgement. In some countries, there were extremist, racist and xenophobic organizations and political parties which engaged in incitement to hatred and intolerance, not only against recent migrants but also against immigrant communities of long standing that had contributed to the wealth of the host country, and against descendants of immigrants.

75. Claiming the right to freedom of expression, some media outlets scapegoated particular communities and religions, holding them responsible for all national ills. They published statements which incited readers and listeners to racism and sometimes even called for violence and crime, while the authorities stood by and did nothing.

76. Such inaction sowed discord, kindled hatred between communities and fuelled extremism. Islamophobia, the association of Islam with terrorism and racial profiling were just a few examples of such new forms of racism, racial discrimination, xenophobia and related intolerance.

77. The Constitution of Algeria enshrined opposition to racism and elimination of all forms of racism and racial discrimination, stating that all citizens were equal before the law and outlawing discrimination with regard to birth, race, gender, opinion or other personal or social condition. It granted equal treatment and enjoyment of rights to foreigners in its territory and guaranteed freedom of belief and religion. National law prohibited all dissemination of racist, intolerant messages and incitement to violence.

78. Under no circumstances could recent, simplistic attempts to reinterpret self-determination result in the imposition of unilateral measures on peoples under foreign occupation in violation of their fundamental right to choose their destiny freely. Support for the right of peoples to self-determination was a fundamental principle of Algeria's foreign policy. Algeria had supported all peoples struggling for their freedom and dignity in Africa, Asia and elsewhere. It would continue to support the right of peoples to exercise their right to self-determination through free and impartial referendums in accordance with international law.

79. The United Nations should continue its work to implement the right to decolonization to ensure full enjoyment of that right to all peoples under foreign occupation. At a time when new types of human rights were being developed and affirmed, it was alarming that the right to self-determination remained inaccessible to some peoples, including the Palestinians and the peoples of the 16 non-self-governing territories on the United Nations decolonization list, including the people of the Western Sahara.

80. **Mr. Somantri** (Indonesia) said that his Government had passed an anti-discrimination law in 2008 to combat all forms of ethnic and racial intolerance. Continued awareness-raising measures were under way. A law on information and electronic communication criminalized acts of incitement to hatred against individuals and specific groups based on ethnicity, religion or race.

81. States were urged to ensure that migrants in vulnerable situations had access to health care, education and housing, in accordance with the relevant international obligations. Indonesia supported efforts

by countries of origin, transit and destination to establish effective awareness campaigns to eradicate negative perceptions of migrants and their families. Migrants were frequently mistreated while detained by national law enforcement agencies. All countries were urged to ensure that migrants in detention were treated in a humane and non-discriminatory manner.

The meeting rose at 12.20 p.m.

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Summary record of the 37th meeting
Held at Headquarters, New York, on Monday, 31 October 2011, at 3 p.m.

Chair: Mr. Zelioli (Vice-Chair) ..... (Italy)

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In the absence of Mr. Haniff (Malaysia), Mr. Zelioli (Italy), Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/66/366-S/2011/584)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/66/18,* A/66/328)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/66/313 and A/66/328)

Agenda item 68: Right of peoples to self-determination (*continued*) (A/66/172 and A/66/317)

1. **Ms. Patel** (Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination), presenting the sixth report of the Working Group (A/66/317), said that the past year had seen a resurgence in the use of mercenaries. Some Governments had begun using foreign fighters against their own populations. The former President of Côte d'Ivoire had allegedly hired some 4,500 Liberian mercenaries after his electoral defeat in 2010, who were accused of committing grave human rights violations. Some had been arrested upon their return to Liberia, but the status of the prosecutions was not clear. The Working Group would visit Côte d'Ivoire soon to learn more. There were also reports that foreign fighters had been recruited in Libya to repress peaceful demonstrations in 2011. In Libya, immigrants were sometimes mistakenly identified as mercenaries solely on the basis of skin colour.

2. Private military and security companies continued to engage in a growing range of activities in an increasing number of countries, earning between 20 billion and 100 billion dollars a year. Spending on contracts and grants in Iraq and Afghanistan was expected to exceed 206 billion dollars by the end of fiscal year 2011, according to the August 2011 report of the *United States Commission on Wartime Contracting*. The United States Departments of Defense and State and the United States Agency for International Development had hired over 260,000 contractor employees in 2010, compared to only 9,200 United States military contractors hired during the first Gulf War. The services of private military and security companies were also used by non-governmental organizations, private companies and the United Nations. The companies must be held accountable.

3. The May 2011 meeting of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies had been attended by representatives from 70 Member States, the African Union, the European Union, several United Nations agencies and non-governmental organizations in consultative status with the Economic and Social Council. The majority of participants had recognized the need for regulation of the activities of private military and security companies, possibly by an international convention.

4. The Working Group supported efforts such as the International Code of Conduct for Private Security Service Providers but was most concerned with developing a transparent grievance mechanism and rigorous audit procedures and with a human rights assessment of the type proposed by the former Special representative of the Secretary-General on business and human rights. The Code of Conduct could not ensure legal accountability for human rights violations.

5. Efforts by the authorities of Iraq and the United States had reduced the number of human rights incidents involving private military and security companies in Iraq. However, gaps in both countries' legislation had resulted in impunity for some violators. The legal immunity extended to private security contractors by the Coalition Provisional Authority had blocked prosecutions in Iraqi courts for many years and remained a source of problems.

6. The 2009 Status of Forces Agreement between Iraq and the United States had removed the immunity of some private foreign security contractors in Iraq. However, it was not clear whether that Agreement covered all contractors and whether it was fully applied in Iraqi courts. The Working Group had recommended that the legal situation be clarified and remained concerned about the lack of accountability for violations committed between 2003 and 2009.

7. Prosecutions in contractors' home countries had rarely been successful. A case against contractors who

* To be issued.

had allegedly killed 17 Iraqi civilians in Nissour Square, Baghdad, in 2007 was still pending in United States courts. During its 2009 mission to the United States, the Working Group had found uncertainty as to whether the Military Extraterritorial Jurisdiction Act, which extended jurisdiction to contractors that committed certain crimes overseas, covered contractors not working for the Department of Defense. That was important, as it was mainly Department of State contractors, such as Blackwater, which were accused of crimes in Iraq. The Working Group urged the United States to adopt legislation that would assure accountability. The Government had invoked the State secrets privilege and other immunity doctrines to block some civil lawsuits from being heard in United States courts. No national efforts to regulate private military and security companies had yet come close to achieving full accountability. Victims were rarely provided with an effective remedy.

8. **Ms. Valle Camino** (Cuba) said that her delegation would once again introduce a draft resolution taking note of the report of the Working Group on mercenaries and the report on the first meeting of the open-ended intergovernmental working group.

9. **Ms. Löw** (Switzerland) said that Costa Rica had recently announced its support for the Montreux Document, bringing to 37 the number of States who supported it. A draft law on private security and military firms was in the consultation phase in Switzerland. Further details were requested on the Working Group's plan to conduct a review of national laws on private security and military companies to identify good practices and on the participation of the Working Group in the second session of the intergovernmental working group in early 2012.

10. **Mr. Ndimeni** (South Africa) said that gaps identified during the Working Group visit to South Africa had been rectified through a law which would enter into force shortly. South Africans recruited for mercenary activities usually had dual nationality, and, in cases of casualties and deaths, their South African passports were often used, placing an undue burden on South Africa to repatriate remains.

11. There were no private military and security companies in South Africa. If the Working Group had information on such private companies operating abroad that were not registered in South Africa, it was requested to provide that information to the Government. Mercenary activities must be prohibited in the territorial State. South Africa could not prosecute extraterritorially. Successful prosecution depended on territorial State cooperation. Information was requested regarding cases where Governments had been asked to provide remedies for victims of human rights violations committed by private military and security companies, especially where such activities were prohibited by law.

12. **Mr. Butt** (Pakistan) asked what specific steps the Working Group recommended to improve national legislation for States hiring military or private security companies.

13. **Ms. Patel** (Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination) said that the Working Group was studying national legislation to determine where it fell short and to develop a model for States. It would be difficult to devise one approach for all States, since those where private security and military companies were deployed and those where they were registered had different needs.

14. The International Convention against the Recruitment, Use, Financing and Training of Mercenaries had very few signatories. States were urged to ratify it.

15. Speaking on behalf of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who had recently resigned, she introduced his reports to the General Assembly (A/66/312 and 313) and summarized their findings and recommendations.

16. In the interim report (A/66/313), the Special Rapporteur had commended the Government of Hungary for efforts to fulfil its human rights obligations with regard to racism and related intolerance and identified areas which deserved specific action. The Special Rapporteur had also referred to structural discrimination; incitement to national, racial or religious hatred; extremist political parties and groups; and victims of racism, including people of African descent, Roma and members of communities based on caste or analogous systems of inherited status. Ethnically disaggregated data might be an important tool.

17. In the other report, on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/66/312), the Special Rapporteur praised legislative practices mentioned by some States, including the prohibition of racial discrimination, the inclusion of racist motivation as an aggravating circumstance and human rights training for law enforcement officers. States should comply with their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. They should bring to justice the perpetrators of racist and xenophobic crimes and ensure that victims were guaranteed full access to effective legal remedies. Collection of data on racist crimes was key. Political leaders and parties should strongly condemn all messages of racial superiority or hatred.

18. **Ms. Sabja Daza** (Plurinational State of Bolivia) said that her country's Constitution prohibited racism. President Morales had promulgated an anti-racism law in 2010. The Government had established an anti-racism division, and the Ministry of Culture also worked to eliminate all forms of discrimination and racism through its decolonization and multiculturalism units. The country was firmly committed to the implementation of the Durban Declaration and Programme of Action.

19. Palestine should be recognized as a Member State of the United Nations. All Palestinian prisoners should be released. There should be an end to illegal settlements on Palestinian land and to exclusion, exile and discrimination.

20. **Ms. Rasheed** (Observer for Palestine) said that the creation of illegal settlements throughout Palestinian territory was the most flagrant way in which Israel violated Palestinians' human rights. The existence of more than 100 new Israeli settlements with over 500,000 Israeli settlers, expropriating some of the best land and water resources and on the site of the proposed capital, indicated that the Government of Israel was interested neither in a two-State solution nor in peace and security. In the last three weeks, in the midst of serious diplomatic efforts by all parties, Israel had announced the construction of nearly 4,000 additional settlement units.

21. Israel must demonstrate its commitment to peace with actions, not merely empty words. The right of the Palestinian people to self-determination was not negotiable. Negotiations on the core issues and the expression of Palestinian self-determination should not be considered one and the same.

22. The application of the State of Palestine for admission to membership in the United Nations was currently before the Security Council. After four decades of occupation and more than 60 years of dispossession, the international community must finally do right by the Palestinian people by supporting the realization of its inalienable rights.

23. **Mr. Ang** (Singapore) said that society in Singapore was based on the pursuit of a multiracial, merit-based society. Singapore had become a port of call for visitors from all regions. During the colonial period, the British had imposed separate ethnic communities. Race riots in 1964 had served as a reminder that harmonious race relations must be based on integration, not separation.

24. Integration, which was distinct from assimilation, had become central in Singapore. Diversity was celebrated, and private religious and personal spaces were guaranteed by law. There was a balance between rights and responsibilities and stern measures for those who incited hatred between communities. Integration in housing and other domains were part of State policy. Interfaith organizations had been established to build ties and develop trust. Inter-ethnic and interfaith issues were thus quietly resolved behind the scenes.

25. **Ms. Gunnarsdóttir** (Iceland) said that the struggle against racism must include a commitment to raise awareness. The Durban Declaration and Programme of Action transformed victims of discrimination into rights holders.

26. While the Constitution of Iceland prohibited racial, ethnic and other forms of discrimination, increased immigration to Iceland in recent years had made specific measures and legislation necessary. According to a 2009 survey, 57 per cent of the public thought that discrimination was common in Iceland. The Government had a plan of action on immigrant issues and the Ministry of Welfare had various policies as well.

27. There was a proposal for a parliamentary resolution to recognize Palestine as an independent State within pre-1967 borders. Iceland firmly

supported the application of Palestine to become a Member State of the United Nations.

28. **Mr. Razak-Sharif** (Malaysia) reiterated his country's firm support for the restoration of the right of the Palestinian people to self-determination and sovereignty and the property from which they had been displaced. Malaysia fully supported the right to an independent State of Palestine based on the two-State solution and taking into consideration both parties' security concerns. Malaysia had consistently condemned Israel's continuous military aggression. Violence, even under the pretext of ensuring security, would not contribute to positive developments or peace. Recent Israeli settlement plans were illegal and placed the two-State solution in jeopardy. Israel was urged to cease all settlement activities and all violations of international law, including the blockade of Gaza.

29. **Ms. Sobaihi** (Saudi Arabia) said that religious intolerance had increased. Freedom of expression should not serve as a pretext for such attacks. Increased efforts to propagate tolerance were needed in the face of growing Islamophobia.

30. Islam required its followers to revere all religions. Saudi Arabian laws aimed to prohibit racism and were based on sharia, which called for respect for diversity. State law criminalized support for organizations that incited hatred. A centre for national dialogue served as a mechanism for promoting respect for diversity. The King of Saudi Arabia had launched an initiative to promote dialogue among followers of different religions and cultures. He had also recently founded a centre for religious dialogue in Vienna to address the exploitation of religion to justify repression. The directors of the centre would be representatives of the world's major religions.

31. The clearest example of racism in the world today was the discrimination practiced by Israel, which evicted Palestinians from their land, was building a separating wall and demolished religious and archaeological sites, with a view to wiping out the identity of the Palestinian people.

32. **Mr. Zareian** (Islamic Republic of Iran) said that some Western countries hypocritically claimed to advocate human rights but had not attended the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. All States should support the fight against racism and commit fully to the Durban documents.

33. The international community should take effective measures to ban the Islamophobic activities of right-wing political parties and adopt practical measures to combat other forms of racism. The international community must cease its indifference to the massive human rights violations committed against Palestinians by Israel. Peace would not prevail in the region as a whole until the State of Palestine was established.

34. **Ms. Sánchez** (Honduras) said that the first summit of people of African descent had been held in her country in August 2011, with strong support from her Government. The purpose of the summit, to which some 1,300 people of various nationalities had been accredited, had been to develop a common agenda to overcome social inequality. Participants had included Heads of State and representatives of United Nations agencies and programmes, the African Union, the European Union and the Organization of American States. It had been noted at the conference that, while the Durban documents were a source of hope for people of African descent, progress in their implementation had not been significant.

35. Honduras had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed a month honouring African heritage and established a ministry for the development of indigenous peoples and people of African descent. The United Nations was urged to declare an international decade of people of African descent starting in 2012 and to establish a development fund and permanent forum of people of African descent.

36. **Ms. Simovich** (Israel) said that Israel was a melting pot where people of many races came together. The Jewish people knew the evils of racism all too well. Many carried the living memory of the Holocaust, during which 6 million Jewish people had been murdered.

37. The Government of Israel had donated to a United Nations memorial to commemorate the victims of slavery and the transatlantic slave trade. It acted decisively to promote tolerance and viewed that as a primary aim of the education system. The national curriculum focused on knowledge of the languages, cultures, history and traditions of Israel's minority groups and acknowledgement of the equal rights of all

Israeli citizens. Israeli law stated that offences motivated by racism could receive a sentence twice that meted out for the same offence not motivated by racial hatred.

38. Israel had not participated in the meeting to commemorate the tenth anniversary of the Durban Declaration and Programme of Action, because the Durban Conference had been misused by some participants, becoming a vehicle for advancing hatred, anti-Semitism and prejudice against the State of Israel. The efforts of the United Nations against racism continued to be undermined by certain Member States for cynical political ends.

39. Israel was at the forefront of those who spoke out against racism. Those who were genuinely dedicated to combating racism in a professional manner would find a deeply committed partner in the State of Israel.

40. **Mr. Sugavanam** (India) said that his country's approach to racism had been shaped by its struggle for independence. The fight against racism, colonization and apartheid was a cornerstone of India's foreign policy. India had taken the lead in drafting the Convention on the Elimination of All Forms of Racial Discrimination.

41. While the right to self-determination was a right of peoples in non-self-governing territories and trust territories, it should not be used to encourage secession and undermine pluralist and democratic States. Nor should it be used to undermine the territorial integrity of a State. India's support for the self-determination of the Palestinian people was unwavering. It supported their struggle for an independent viable State within secure borders at peace with Israel.

42. The representative of Pakistan had made numerous references to the Indian State of Jammu and Kashmir. That State was an integral part of India, where free elections had been held repeatedly.

43. **Mr. Zeidan** (Palestine) said that Israel's longstanding practice of expelling indigenous Palestinians from their homeland and replacing them with Jewish settlers was an expression of racism. Since 1967, Israel had institutionalized colonial and apartheid-like policies aimed at controlling as much land as possible, inhabited by the smallest number of Palestinians possible.

44. Israel had illegally attempted to Judaize Jerusalem. Some 500,000 Jewish settlers had been illegally transferred to nearly 225 Israeli settlements built on confiscated Palestinian land, in grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. As a result of such policies, the two-State solution remained elusive. The discriminatory practices of Israel affected every aspect of Palestinian life, including residency, water, electricity, roads, education, construction, tax collection, marriage and citizenship laws, identification cards and access to holy places. A Palestinian whose family had lived in Jerusalem for generations held temporary residency and could not be absent from the city for more than two years without losing residency. Palestinian children did not receive the same education as their Jewish neighbours. Palestinians did not have the right to make simple alterations to their houses, such as building a chicken coop or an additional floor. Palestinians could not access settler roads. A Palestinian could not take the shortest road to the nearest hospital but had to take a longer road to a more distant hospital. Israel was in persistent violation of the Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. In recent years, there had been a rise in settler attacks against Palestinian civilian, property and crops. Hate crimes were committed against Palestinian mosques, churches and cemeteries by Israeli settlers under cover of night, with the protection of Israeli forces. Sites had been burned, and slurs and slogans had been written in the ashes.

45. **Mr. Bayoudh** (Tunisia) said that his country had ratified the Convention on the Elimination of All Forms of Racial Discrimination and adopted the Durban Declaration and Plan of Action. Since its recent revolution, Tunisia was working to address social injustice. There was an ambitious programme to stimulate employment investment, regional development and social assistance to the needy.

46. Young illegal migrants were most vulnerable to human rights violations. That growing problem required a coordinated strategy involving all stakeholders. The international community must also address unemployment among young people. It must put an end to the injustices suffered by the Palestinians and other peoples under occupation.

47. **Mr. Abulhasan** (Kuwait) said that campaigns to defame any religion or persons on the basis of origin or religion should be prohibited. The Constitution of

Kuwait enshrined the principles of freedom and human rights. People of many nationalities and religions came to Kuwait to work. Democracy applied to daily life, and human rights were respected. The Government sought to combat xenophobia. Kuwait had acceded to the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and the International Covenant on Civil and Political Rights, among others.

48. Israeli racist policies in the Occupied Palestinian Territory and the Syrian Golan must be halted. Israel was in direct violation of the decision of the International Court of Justice on the construction of the separating wall. Religious sites in the area must be protected.

49. Kuwait was disturbed by the actions of groups such as skinheads that preached hatred of minorities.

50. **Mr. Ulibarri** (Costa Rica) said that the President of Costa Rica had offered an official apology to victims of discrimination. The slave trade was a crime against humanity with negative consequences today for descendants of the victims. Costa Rica had made a modest contribution to the memorial for victims of the slave trade and supported a speedy conclusion to negotiations on the Inter-American Convention against Racism and All Forms of Discrimination and Intolerance. An Afro-Costa Rican commission was being established and efforts were being made through the Ministry of Education to address gaps in national education on the social contributions of minorities.

51. **Mr. Šćepanović** (Montenegro) said that the Protector of Human Rights and Freedoms ensured extensive institutional protection of human rights in Montenegro. The Protector's influence was increasing, as was his cooperation with civil society. A law adopted in July 2011 made him the national authority for combating discrimination and preventing torture, and an adviser on human rights had also been appointed recently within the office of the Prime Minister. There was a council for protection against discrimination chaired by the Prime Minister. Anti-discrimination awareness-raising was offered to law enforcement agencies and civil servants. A council of minority communities, a fund for minorities and a centre for minority cultures had been established. An action plan on the rights of lesbians, gays, bisexuals and transgender people was being finalized.

52. **Mr. Nazarian** (Armenia) said that the right to self-determination was a binding, universally recognized fundamental norm of international law, which the people of Nagorny Karabakh had realized in full compliance with international law. Azerbaijan's policy of ethnic cleansing and brutal violence had caused the conflict. Hostilities had claimed tens of thousands of civilian lives and led to a refugee crisis. Azerbaijan was trying to launch a new war and was preaching hatred against Armenia. A recent report of the European Commission Against Racism and Intolerance had confirmed extreme levels of anti-Armenian feeling and urged Azerbaijan to ensure an adequate response to hate speech. The Minsk Group of the Conference for Security and Co-operation in Europe continued its efforts aimed at a peaceful settlement.

53. **Ms. Komanyane** (Botswana) said that a recent increase in racist violence in many parts of the world was cause for concern. Contemporary forms of racism were subtle and difficult to detect.

54. **Mr. Fiallo** (Ecuador) said that the Constitution of Ecuador enshrined the human rights of indigenous people, Afro-Ecuadorians and Montubians. They had the right to recognition, reparation and compensation for the consequences of racism. Recent reforms to the Penal Code established severe penalties for hate crimes. Broader social reforms aimed to eradicate poverty and exclusion and included unprecedented investment in health, education and other social protections.

55. An international decade, a permanent forum and a development fund for people of African descent should be declared, and a ninth Millennium Development Goal should be added: combating racism. Ethnicity should be more prominently featured in national census-taking as a basis for public policy.

56. **Mr. Laro** (Nigeria) said that Nigeria had been actively fighting racism since the adoption of the Durban Document and Programme of Action in 2001. While some of the Durban objectives had been achieved, its broad implementation was being undermined by developments not foreseen at its adoption. Racism was assuming new, insidious dimensions, which were perpetrated under the pretext of freedom of speech.

57. **Mr. Nina** (Albania) said that the entire Jewish community of Albania had survived the Second World

War. In fact, the Jewish population of Albania had actually increased tenfold during the War.

58. A law adopted by the Parliament of Albania in early 2010 assured the right of every person to equality and protection from discrimination. A new body established under the law was responsible for its implementation and for ensuring that everyone was properly informed about their right to protection from discrimination.

59. **Mr. Jafarov** (Azerbaijan) said that the principle of self-determination applied to peoples of colonially defined territorial units and people under alien subjugation or foreign military occupation. The right to self-determination could not be interpreted to mean that any group could decide for itself its own political status up to and including secession from an already independent State. International law was unambiguous in not providing for a right of unilateral secession from independent States and in not creating grounds for legitimizing non-consensual secession. An entity created on part of the territory of a State through the unlawful use of force was illegal and could not be considered a State.

60. In its attempts to legalize the results of the use of force and ethnic cleansing, Armenia frequently referred to the principle of the right to self-determination. However, all actions aimed at tearing away a part of the territory of Azerbaijan were unlawful. The separatist entity survived by virtue of Armenian support and was unrecognized by the rest of the world. In fact, Armenia bore primary responsibility for committing international crimes and purging its territory and the occupied territories of all non-Armenians.

61. **Ms. Klein Solomon** (International Organization for Migration) said that the emerging view that a multicultural society was driving communities apart was of concern. States were urged to counter such pressures. Migrants were sometimes erroneously perceived as competing against the national labour force. Restrictive immigration policies risked pushing migrants into the arms of smugglers and traffickers, further weakening the status of migrants in the host country. While States had the right to control their borders, they must also protect the human rights of all migrants under their jurisdiction, including those in irregular situations. The Organization could assist States in the development of policies to avoid discrimination against migrants and promote awareness about diversity.

62. **Ms. Khanum** (Pakistan), speaking in exercise of the right of reply, said that his delegation's statement on the right to self-determination of the Kashmiri people in Indian-occupied Kashmir had consisted merely of facts supported by Security Council resolutions. Contrary to what the representative of India had said, Kashmir was not an integral part of India but rather a disputed territory, settlement of which must be carried out under United Nations auspices. The references in the statement by the representative of Pakistan to the human rights situation in Indian-occupied Kashmir were well documented and were mostly quoted from the Indian media.

63. **Ms. Kocharyan** (Armenia), speaking in exercise of the right of reply, said that the delegation of Azerbaijan continued to misrepresent the struggle of the people of Nagorny Karabakh for self-determination. Two decades earlier, the rape, torture and murder of Armenians by Azerbaijani forces had shocked the world. The people of Nagorny Karabakh had voted overwhelmingly for their own sovereignty and had used all available legal mechanisms for that purpose.

64. **Mr. Jafarov** (Azerbaijan), speaking in exercise of the right of reply, said that the evidence showed that Armenia had unleashed the war by attacking Azerbaijan and occupying its territories and had engaged in massive ethnic cleansing. The Security Council and the General Assembly had qualified actions by the Armenian minority group as illegal use of force against the territorial integrity of Azerbaijan. The illegality of the separatist entity had been stated unambiguously at the international level numerous times. The position of Armenia was an open challenge to the complex settlement process.

65. **Ms. Kocharyan** (Armenia), speaking in exercise of the right of reply, reiterated that the current situation in the region was the consequence of a decision by Azerbaijan to use military force to suppress the legitimate and peaceful quest of the people of Nagorny Karabakh to exercise their right to self-determination guaranteed by international law. Azerbaijan had violated Security Council resolutions urging the parties to pursue negotiations through intermediaries and direct contacts. Azerbaijan's refusal to engage in direct negotiations with the elected representatives of

Nagorny Karabakh and its hostile stance towards everything Armenian were the main impediments to a solution. The representative of Azerbaijan failed to acknowledge that Armenia had done exactly what the Security Council resolutions had called on it to do, by using its good offices with the leadership of Nagorny Karabakh to help find a peaceful solution.

66. **Mr. Jafarov** (Azerbaijan), speaking in exercise of the right of reply, said that the comments by the representative of Armenia provided additional evidence of that country's annexationist intentions. Armenia had unlawfully used force to occupy the territory of a neighbouring country and had committed extremely serious war crimes, crimes against humanity and genocide.

The meeting rose at 6.10 p.m.